



# **Legislature of Ontario Debates**

**Third Session of the Thirty-First Parliament**

**May 28-June 22, 1979**



## ERRATA

The following errata for the Third Session of the 31st Parliament (March 6 - December 20, 1979) have already appeared in previous daily issues of Hansard. They are reprinted here in bulk so that subscribers can ensure that the corrections have been made.

No.	Page	Column	Line	Should read:
8	255	1	23	total expenditure ceiling of \$14.482 billion
8	255	1	30	billion for 1978-79 will be maintained.
23	977	1	26	Mr. Foulds moved first reading of Bill 60.
33	1399	2	32	Harry Barrett. It takes us back to the early
46	1910	2	48	guess I can put it very simply. Bishop Legurrier
49	2018	1	38	92, An Act to amend the Railways Act.
49	2018	2	4	of Bill 93, An Act to provide for the Holding
49	2018	2	9	of Bill 94, An Act respecting the Anglican
49	2018	2	46	Bill 95, An Act to amend the Regional Muni-
49	2019	1	5	Bennett, moved first reading of Bill 96, An
49	2019	1	21	Mr. Martel moved first reading of Bill 97,
53	2177	1	49	Bill 33, An Act to amend the Agricultural
56	2307	2	18	PROVINCIAL COURT
56	2328	1	3	Provincial Court (Civil Division)
				Project Act, Mr. McMurtry, first reading . . . . . . 2307
56	2287	1	8	over civil claims up to \$3,000. The bill
58	2388	2	50	116, An Act to amend the District Munic- ipality
76	3076	1	45	Mr. Gregory: There certainly was.
77	3190	1	7	Bill 140, An Act to amend the Executive Council Act.
77	3190	1	Following 6	Bill 140, An Act to amend the Executive Council Act
88	3697	2	53	An hon. member: It sure won't be the member.
95	3975	2	42	Bill 158, An Act to amend the Regional
97	4069	1	18	the bids and the contract went to Grumman
103	4309	2	16-17	property. There has always been ample liability on a child with respect to his liability for torts.
105	4377	1	23	Mr. Breagh: A slight point of order:
135	5451	1	18	the province takes \$15 million out of the
G-1	G-9	2	22	that up by a couple of million dollars.













No. 55

# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**  
**Monday, May 28, 1979**

**Speaker: Honourable John E. Stokes**  
**Clerk: Roderick Lewis, QC**





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# LEGISLATURE OF ONTARIO

MONDAY, MAY 28, 1979

The House met at 2 p.m.

Prayers.

## NEWSPAPER REPORTS

**Hon. Mr. Norton:** Mr. Speaker, I wish to rise on a point of personal privilege relating to two Toronto newspaper articles which appeared last Friday and reported several Metro Toronto councillors had alleged I had misled the Legislature.

**Mr. McClellan:** They expressed their disgust.

**Hon. Mr. Norton:** I don't mind being criticized, but when I am called a liar and accused of misleading members of the House, that's a matter I simply can't ignore.

In the Toronto Sun of May 25, members of the Metropolitan Toronto social services committee are reported as having accused me of misleading the Legislature on May 11 when I told the House that provincial officials met with Metro officials "for half an hour and showed them how to save \$830,000 without cutting back services."

There was one error of fact in that, and that is the meeting lasted for two or two and a half hours, not for one-half hour, as was indicated at the time.

**Mr. McClellan:** How come you couldn't remember that?

**Hon. Mr. Norton:** The committee chairman, Mr. Bruce Sinclair, is quoted as stating the meeting did not take place.

The Toronto Star, on the same date, reported Toronto Alderman June Rowlands said I had "deliberately and intentionally made totally false statements" when I told the House that Metro could save \$830,000 through administrative efficiencies.

I haven't had a chance to speak to the committee chairman yet, but the report in the Toronto Sun was in error in that regard. First of all, that meeting did take place on Wednesday, April 25, from 10 a.m. until 12 or 12:30 p.m., as was reported by the social services commissioner to the Metropolitan social services and housing committee on May 2.

The chairman of Metropolitan Toronto, Paul Godfrey, and members of the social services committee met with me on Monday,

April 23 to discuss these and other issues. On Wednesday, April 25, provincial and Metro officials held a subsequent meeting to discuss in detail provincial subsidies for administration of general welfare assistance.

It is my information from the minutes of the meeting that at that meeting the following potential savings were identified: First, \$300,000 to Metro by converting to the provincial-municipal computer system. This saving was not taken into account by Metro in presenting its deficit.

Second, they could save \$100,000 in the general welfare administration budget through the transfer of a surplus from homemakers' and nurses' services. Previously, Metro had estimated a deficit in that program.

Third, they could save \$90,000 through integration of counselling programs to the normal general welfare assistance administration. Apparently Metro separates its counselling program to social assistance recipients from the normal general welfare assistance program. The suggested integration of services would save at least \$90,000 in operating costs through the elimination of duplication in administration.

During the calendar year 1979 it is expected that the new computer system will result in \$80,000 in staff savings. It is projected that \$36,000 will be saved because at least two staff members will no longer be required for the cheque issuance control because of the change to the computer and \$150,000 will be saved because Metro originally established administration costs of \$259,000 for responding to changes in the unemployment insurance plan at the federal level. Subsequently, at a meeting I had with the members of the committee, we explained that it was probably too early to estimate the impact of those costs and, therefore, we would defer consideration of those until later in the year. An additional saving of \$80,000 was identified in other areas.

I am pleased about the consultative process we have had at the provincial level and with the municipality of Metropolitan Toronto, from which we both benefit. I want to assure the House that these discussions will be continuing to determine the budget base and any issues on the provincial ceiling for adminis-



tration costs. The province is prepared to meet Metro officials as these issues arise.

As I attempted to make clear both on May 11 and again on May 24 when the matter arose in the House, my comments were not intended to be critical of the administrative competence of the Metro administration. I suggest there is a difference, though, between reviewing administration and looking for administrative efficiencies and suggesting lack of competence.

There may be a legitimate difference of opinion between us as to which measures can be described as administrative efficiencies and there may be some differences of interpretation still outstanding at the staff levels. However, I shall be responding to Metro very shortly in an effort to straighten out any such misunderstandings and to ensure the resumption and the continuation of the co-operative spirit that has marked our relationship in the past.

**Mr. McClellan:** Mr. Speaker, speaking to the point of privilege, without wanting to get into the charges and counter-charges between the newspapers and Metro officials, I think the point of confusion is that the minister said on Friday, May 11 that Metro social services by efficient administration could make reasonable administrative decisions which would save \$830,000. We are still confused as to where this figure of \$830,000 comes from.

**Hon. Mr. Norton:** I think that the honourable member just heard a rather lengthy list. If there are any figures that are omitted from that, I'd be glad to provide them to him.

**Mr. McClellan:** They don't add up to \$830,000.

#### NEWSPAPER REPORT

**Hon. Mr. Grossman:** On a point of privilege, Mr. Speaker, I would like to correct an impression that might have been left by the Globe and Mail last Saturday, May 26.

**Mr. M. Davidson:** Do you feel you are under attack?

**Hon. Mr. Grossman:** It reads: "Mr. Grossman would not name any of the Liberals he says supported the program in private talks with him. But he said James Breithaupt of Kitchener and James Bradley of St. Catharines should be uncomfortable with their leader's position."

I would point out that I did mention those two members, saying they ought to be uncomfortable with their position because of multinationals existing in their ridings, and most successfully. I would not want the impression to go that I was suggesting that

either of those members had in fact written me privately or quietly or spoken with me in private talks supporting a particular program. It would be inaccurate to say that. In fact, I indicated at that time that those two members specifically had not written me privately asking for specific support.

**Mr. Breithaupt:** I appreciate the correction which the minister has made to the record.

#### STATEMENTS BY THE MINISTRY

##### TOURISM

**Hon. Mr. Grossman:** I wish today happily to offer a good word to the fourth estate at a time when the media generally are being raked over the coals by some people for their coverage of that recent notable national event.

**Mr. Ruston:** Your candidate in that area.

**Hon. Mr. Grossman:** Let's not do it today.

I wish to acknowledge that my ministry has been treated royally by media support, province-wide, for our major tourism promotion program, "We Treat You Royally."

Members are, of course, aware that we have been moving forward on several fronts to stimulate Ontario's tourism industry, beginning with our announcement in the budget speech that there would be a sales tax break on certain equipment purchases by restaurants and tourism operators. At the same time, we extended the sales tax exemption on tourist accommodation until 1981. In addition, we have co-operated with the Ministry of Revenue in publishing a new brochure which explains how visitors can apply for rebates on provincial retail sales tax paid for goods purchased here during their visit. This brochure has been widely distributed and is creating a very favourable impression of this province as a good host.

Recently, of course, we reported to this House on our plans for new tourist information centres for both seasonal and year-round operations.

Most important, however, is the way we treat our tourists. We launched a one-on-one welcoming program last year to make all of us more aware of how important tourism is to the province. The message of that program was, and is, simple. We asked everyone, especially those who come in contact with the touring public, to treat visitors royally.

The success of the first 12 months of the program has been very encouraging. One in four residents of Ontario recognized our slogan after only six weeks and 75 per cent understood why it was important. More than



5,000 companies, retail and service industries, participated in the campaign using our merchandising material. In all, we distributed 2.6 million pieces of merchandising material throughout the province.

To a large extent, the success of "We Treat You Royally" was made possible through the excellent support of the media—newspapers and magazines, radio and television. They helped convey our message with conviction and enthusiasm and I thank them for it.

Today we are officially launching year two of the "We Treat You Royally" program. We have expanded the program this year. There are currency exchange facilities at all major border crossings and we have included new and more relevant types of merchandising materials, such as the currency exchange wheel, to let all tourists know what exchange rate to expect and, as I mentioned, a brochure to let visitors from outside Ontario know that they can get a sales tax rebate on certain goods.

One of the most important aspects of "We Treat You Royally" is the new training program which is designed to encourage people in the hospitality industry to treat visitors royally. Our target is to graduate at least 25,000 trainees over the next 12 months. Of this number, 11,500 will be instructed by specially trained personnel from my ministry; the remainder by the private sector. I am meeting with the media at Ontario Place later today to provide more program details, distribute our new material and ask for their renewed support.

On Wednesday of this week, there will be a "We Treat You Royally" festival at noon-time in Nathan Phillips Square here in Toronto. In other areas of the province, promotions to introduce year two are already taking place with many more events planned for the summer and fall.

There's no question the program has been accepted and there's no question it is important. Over \$5 billion is generated annually from tourism in this province. Tourism employs 12.5 per cent of the Ontario work force. It is Ontario's second largest export industry.

Mr. Speaker, "We Treat You Royally" has had a great season in its first 12 months and, with everyone helping, we can make the next 12 months even better than before by letting each visitor know that in Ontario we do, in fact, treat you royally.

#### NUCLEAR PLANT SAFETY

Hon. Mr. Auld: Mr. Speaker, later this afternoon at the appropriate time I will be

tabling a copy of a letter from the chairman of Ontario Hydro to the chairman of the select committee on Ontario hydro affairs concerning reports prepared by Ontario Hydro on an incident at the Bruce A nuclear generating station on April 28, when two hydro employees received radiation exposures beyond permitted levels. Attached to the letter are copies of the reports.

I believe that this letter will clarify any questions which the honourable members may have concerning the article in the Toronto Star of last Saturday, May 26, and the suggestion that Ontario Hydro did not live up to a commitment it had made to release the report immediately on its completion.

#### ELEVATION OF ARCHBISHOP CARTER

Hon. Mr. Wells: Mr. Speaker, on Saturday morning last Pope John Paul II announced from the Vatican the elevation of the Most Reverend Gerald Emmett Carter, Archbishop of Toronto, to the sacred College of Cardinals. As this is the first time that this Legislature has met since then, it becomes the first opportunity that we have had to extend our warm greetings and sincere congratulations to the cardinal-elect from Toronto.

[2:15]

Since coming to Toronto as archbishop last June, His Eminence has done much to foster the cause of ecumenism and greater understanding among people of all faiths and religious beliefs. His leadership capabilities, his zeal, his sensitivity and his piety combine to make him one of the most outstanding church leaders of these times. Cardinal-elect Carter has already made numerous significant contributions to his own church and to mankind.

As we all know, he is an eminent Latin scholar. Almost from the time of his ordination to the priesthood more than 40 years ago, he has been known internationally for the leading role he played in the translation of Latin texts, following the decisions that emanated from Vatican II.

The new prince of the Roman Catholic church hails from a very distinguished Montreal family which gave four of its children to their church. One brother is the Most Reverend Alexander Carter, Bishop of Sault Ste. Marie, while his two sisters are prominent members of religious orders. In 1977, the new Cardinal-Archbishop of Toronto was singularly honoured by his peers in the world hierarchy of the Roman Catholic Church when he was elected to the 12-man council synod of bishops.



Mr. Speaker, I know I am speaking for you and each and every member of this Legislative Assembly when I express our profound joy and gladness with this Vatican announcement. As His Eminence the cardinal prepares to leave for Rome next month to receive his cardinal's red hat, he takes with him the prayers and the best wishes of all the people of Ontario.

May God in his wisdom guide and direct him and may his reign as Toronto's and Ontario's cardinal be fruitful and lengthy.

Mr. S. Smith: I wish briefly to associate ourselves with the excellent comments made by the minister concerning the elevation of His Eminence to the position of cardinal. As outlined, the newly-elected cardinal has an excellent record of service to the church, to the community, to the country and to mankind generally. We hope and pray, and we know, that this record of service will be that much more enhanced in his new position. We certainly wish him only the best.

Mr. Cassidy: On behalf of my party, I want to share in the profound joy which I know that Catholics across Metropolitan Toronto and across Canada have felt in the elevation of Archbishop Carter to be a cardinal. Clearly he will speak with distinction and courage on behalf of Catholics from across this province and this country in the synod in Rome. We too would like to associate ourselves with the comments of the Minister of Intergovernmental Affairs in welcoming this elevation of an archbishop of the church from Toronto.

#### ELLIOT LAKE URANIUM MINES

Hon. Mr. Parrott: Later today I will table the final report entitled, *The Expansion of the Uranium Mines in the Elliot Lake Area*, which I have just recently received from the Environmental Assessment Board.

This comprehensive report, which indeed it is, concerning environmental factors related to the expansion of the Elliot Lake mines is a summary of the public hearings held by the Environmental Assessment Board between November 1977 and March 1979. The board has had a total of 74 sittings and received submissions from 95 witnesses whose testimony, supported by 450 exhibits, is contained in more than 11,000 pages of transcripts.

I received the report on Thursday. Obviously, I have not had the time personally to read it, but I wished to table it at the first possible opportunity.

The Environmental Assessment Board chairman advises me that the main thrust of the report is its conclusion that the expansion

and operation of the mines can be carried out in an environmentally acceptable manner during the short term, that is, during the next 30 to 40 years in which the mines are expected to operate. The board states that technology exists to ensure achievement of the environmental objectives.

The report contains several recommendations concerning the long term, the period after mining has slowed down or terminated. These are aimed at developing a strategy for attracting and developing new industry in order to avoid a one-industry Elliot Lake becoming a deserted ghost town. The board directs its recommendations in these areas to the companies and to the private sector, as well as to the appropriate Ontario ministries and federal agencies.

I intend to review thoroughly all the findings and recommendations of the board with my colleagues and with qualified staff to determine an effective strategy and plan for implementation. I will announce our response to this report at that time.

In conclusion, I wish to thank the members and the staff of the Environmental Assessment Board for the effective conduct of the public hearing and for the reports. I also wish to commend the three mining companies, the United Steelworkers of America, the town of Elliot Lake and the members of the Serpent River Indian band for their responsible and professional participation in these hearings. I would also like to thank the staffs of the Ministries of Housing, Labour, Natural Resources and Community and Social Services, who joined my ministry's representatives at these hearings.

#### ORAL QUESTIONS

##### NUCLEAR PLANT SAFETY

Mr. S. Smith: Mr. Speaker, a question for the Minister of Energy, arising from his previous answers on the matter of the Babcock and Wilcox (Canada) Limited boilers supplied to Ontario Hydro.

On Friday last the minister referred to the fact that competitive tenders were called for the Pickering A boilers in 1965 and for the Bruce A boilers in 1970, but that they were not called in 1973 and 1974 for the Pickering B boilers allegedly because "Babcock and Wilcox was the only company in Canada which had the necessary manufacturing facilities in place to construct and manufacture this type of boiler."

Will the minister explain how it is that other companies that were available in 1965 and 1970 were no longer available, in the government's view, in 1973 and 1974—



which suppliers so disappeared from the scene that they were unable to tender competitively in 1973 and 1974? Is the minister not aware that between 1970 and 1974, Atomic Energy of Canada Limited was also contracting out for boilers and found a number of companies willing to tender?

**Hon. Mr. Auld:** Mr. Speaker, I cannot give the member a detailed answer on that. I assume there were perhaps technical considerations, if I can put it that way, but I will inquire from Hydro and try to have the answer for him very shortly.

**Mr. S. Smith:** Does the minister not realize that he has supposedly answered to this House on the subject of the tenders and the failure to call for tenders, and presented information that he apparently was ready to accept, that there were no other companies ready to bid, and yet the evidence would seem otherwise?

May I ask him, while he thinks that over, is he still unaware that Babcock and Wilcox did not win AECL's last contract, for the Korean reactor, partly because of AECL's concern that the Babcock design would produce the very tube crimping that did occur with the heat treatment?

Did people within Hydro tell the minister that the Darlington station contract had been awarded to Babcock and Wilcox despite the fact that Hydro was warned that that design would lead to these very problems?

**Hon. Mr. Auld:** I am not aware that Hydro was informed as the Leader of the Opposition says. But I will inquire into that too. I would add that I think the Leader of the Opposition is aware that work has not yet started on the Darlington boilers as a result of the checks that were made in December, when Hydro asked Babcock and Wilcox to cease work on their current production until they got to the cause of the problem.

**Mr. Cassidy:** A supplementary question, Mr. Speaker: In the case of the previous contracts or of the Darlington contract, given that there is no performance bond, can the minister say that there is any guarantee at all from Babcock and Wilcox that these very complex and sophisticated boilers will work? Or are they simply taken on the basis that all of the risk rests with Hydro?

**Hon. Mr. Auld:** My understanding, Mr. Speaker, is that the contracts called for the delivery of the boilers to meet specifications, which included operating specifications.

**Mr. S. Smith:** Can the minister confirm or deny that Hydro has decided that one reason it might not go after Babcock and Wilcox for the entire sum of money that

would otherwise be due to Hydro because of a manufacturing defect is the fear of putting Babcock and Wilcox out of business?

If that is true, does he stand behind that decision or will he see to it that Hydro goes after Babcock and Wilcox and, if need be, let the American company bail them out?

**Hon. Mr. Auld:** The only information I have is that Hydro has indicated it proposes to require Babcock and Wilcox to carry out the specifications in the contract. I can't confirm or deny whether or not it will turn out that way eventually because, as I said before, it may wind up—

**Mr. Mancini:** Who's in charge over there?

**Hon. Mr. Davis:** Not you.

**Mr. J. Reed:** You are certainly not.

**Hon. Mr. Auld:** —in the courts, although I would hope that would not be the case because of the long delays that would probably ensue.

**Mr. S. Smith:** Then deny what I said.

**Mr. MacDonald:** Supplementary, Mr. Speaker: Since there was a four-year lapse between the granting of the contract to Babcock and Wilcox in 1973-74 and the actual manufacture of the boilers in 1978, all of which raises rather curious questions as to why there was nobody else in the field when they had four years to tool up, can the minister tell us what is the delivery date for the boilers that had been ordered for Darlington? Is it four years ahead so that there might have been an opportunity for tendering?

**Hon. Mr. Auld:** I'm afraid I can't give that detail either. I do know that Babcock and Wilcox had orders at one time from both Ontario Hydro and AECL, but I don't know in what order deliveries were scheduled.

**Mr. J. Reed:** Who is in charge over there?

**Hon. Mr. Auld:** I do know the work has not started on the Darlington boilers as yet. I also understand there is a long time—and I'm sure the chairman of the select committee would be aware of this—between the time a design requirement is produced by Hydro, the specifications put together by the contractor and perhaps Atomic Energy of Canada Limited, work started and then completed.

I don't know whether the normal course of events is a four-year time period between ordering and delivery. I really don't.

#### PCBs IN MILK

**Mr. S. Smith:** Mr. Speaker, I would like to direct a question to the Minister of Health



concerning the matter of PCBs in mothers' milk.

The minister started a program about a year and a half ago to have mothers' milk tested because of the dangers of excessive amounts of PCBs in breast milk. I've been asked by one of my constituents what the present situation is, especially in view of the information letter from the health protection branch federally, advising women in the Great Lakes basin, which is most of the people resident in Ontario, to seek their doctors' advice before breast feeding because of the danger of PCBs.

I would ask the minister, therefore, could he give us the results of the study which he has had going for about a year and a half, tell us the testing techniques he has had, what the results have been particularly, and what allowable levels he would consider are to be accepted?

**Hon. Mr. Timbrell:** Mr. Speaker, obviously I don't have that information with me today, but I'll be glad to take the question as notice and answer it as soon as possible.

**Mr. S. Smith:** Would the minister be kind enough to check with Dr. Harding of the Ministry of Labour, where currently these results are tested for and confirm what Dr. Harding said to one of my assistants, namely, "There's really no point to doing any of this testing; it's just a program to appease people"?

Is the minister also able to check on the information that these PCBs are more prevalent toward the end of a feeding than toward the beginning, and would he check to see whether the samples that have been tested are relevant from that point of view? Could he present a full report, including what the allowable levels are, and explain why Dr. Harding seems to believe the whole program is just something to appease people and something of no value at \$100 a test?

[2:30]

**Hon. Mr. Timbrell:** The member will recall, I'm sure, that when the matter first arose, it was one that evoked a great deal of concern. In order to try to get a firm fix on the nature of the problem and what could be done, if anything, about it, we initiated the testing.

As I said, I obviously don't have those figures with me but I will take the question as notice and report back with all the information currently available.

**Mr. Speaker:** A final supplementary, the member for Huron-Bruce.

**Mr. Gaunt:** Am I correct in assuming the

Ministry of Health pays for these tests; and if so, what has the cost been to date?

**Hon. Mr. Timbrell:** I'll include that information, Mr. Speaker.

### FOOD PROCESSING

**Mr. Cassidy:** I have a question of the Minister of Industry and Tourism concerning the problems of Ontario's food processing and canning industry. In view of the fact imports account for 89 per cent of Canada's sales of canned peaches, 83 per cent of our sales of canned mushrooms and 42 per cent of the sales in Canada of canned tomatoes, could the minister say when the Ontario government will announce plans to ensure our needs for these products are being met from Canadian sources? Why did the government wait until this February to establish a task force on the food processing industry?

**Hon. Mr. Grossman:** Obviously, any further action we take will await the excellent work of that food processing consultative committee.

I might add, all the groups are working very hard together, including representatives of all sectors of the industry. They recently reported excellent progress to me.

I would hope before this House reconvenes in the fall, we would have something substantive to report as a result of those reports.

**Mr. Cassidy:** A supplementary, Mr. Speaker: Given the fact we have been losing about a cannery a year for the last 15 years; and given the fact the imports of processed fruit and vegetables have gone up by 40 per cent in the last two years; and given the fact we are losing an estimated 6,600 jobs because of imports of processed fruits and vegetables that we can make for ourselves, when does the government intend to get serious about actually ensuring we process and make for ourselves the processed fruits and vegetables which we can grow in this climate?

**Mr. Ruston:** The minister should call his kissing cousins in Ottawa.

**Hon. Mr. Grossman:** That's the former government's fault. I can only respond by indicating once again that we have only had two consultative task forces. The first one was on electronics, which the member's party has also discussed in the House. The second is on food processing. They are hard at work now.

I'd like to add one other thing: We are not trying to push the decisions or recommendations of that committee in one direction or the other. Our ministry and three or four others are working very closely in an



advisory and secretarial fashion with that committee so they may make some comments to us and some suggestions to us from various standpoints—labour, the processors, and the agricultural components—and so they may develop some of these solutions for us. I don't deny the problems and, obviously, that's the reason this government has reacted by starting a task force.

**Mr. Swart:** By way of supplementary to the minister: May I ask him if he realizes the first essential for fruit farmers to plant a variety of fruit, particularly peaches and pears appropriate for canning, is a guaranteed future market at a price to make the production viable? Can I ask him whether he has discussed the farm income stabilization program with the Minister of Agriculture and Food (Mr. W. Newman) and recommended to him it be expanded to include fruit that can be grown in this province, and to give a guaranteed farm income price for that?

Will he give some assurance now that steps will be taken to guarantee the continuing canning capacity which exists in Niagara?

**Mr. Bradley:** Get out the bankroll.

**Hon. Mr. Grossman:** The answer to the second question, which is the only true supplementary, is, of course, that is exactly what we're trying to do—to ensure the future of the food processing industry in this province. That's exactly what we're about.

The answer to the first part of that question is that my colleague and I have discussed these and related matters on several occasions.

**Mr. Bradley:** Get out your bag of money.

**Hon. Mr. Grossman:** If there are any government statements to be made in that regard, they will emanate from my colleague.

**Mr. Laughren:** Supplementary: In view of the fact that the canned fruit and vegetable industry is 65 per cent foreign-controlled, did the minister or his ministry instruct the task force to look into this problem? And will he make a commitment to us here and now that any input to the Foreign Investment Review Agency that has to do with any kind of takeover or increased concentration of foreign ownership in the canned fruit and vegetable industry will not be recommended by his ministry?

**Hon. Mr. Grossman:** As I indicated earlier, I can't give specifics about our recommendations to FIRA, but I do want to make clear that with this particular industry we are most concerned that decision-making with regard to food processing and ownership,

where possible, remain in this country. Obviously that is essential to protect that sector of our economy.

**Mr. Warner:** But you won't do anything.

**Hon. Mr. Grossman:** I can assure the House directly that both the Minister of Agriculture and Food and myself—

**Mr. Bradley:** He's busy building national unity.

**Hon. Mr. Grossman:** —will have careful and complete discussions on any future FIRA applications in order to do what we can to ensure: (a) a food-processing industry in this province—

**Mr. Laughren:** Then stop representing them here.

**Hon. Mr. Grossman:** —(b) that decision-making remain here; and (c) that, where possible, ownership remain here as well.

## SOLAR ENERGY

**Mr. Cassidy:** Mr. Speaker, I have a question to the Minister of Energy. In view of the increasing uncertainties about the supply of oil, is the minister aware of a study which has just been released by the federal Ministry of Energy, Mines and Resources which shows that a serious commitment to solar energy here in this province could create 1,700 jobs in Ontario by the year 1985 and more than 14,000 jobs in Ontario by the year 1990? What plans does the Ministry of Energy have to revise its priorities in the light of those findings?

**Hon. Mr. Auld:** Mr. Speaker, I haven't seen the report in question but I will be delighted to look at it.

**Mr. Cassidy:** It's coming to the minister now.

**Hon. Mr. Auld:** I do know from discussions I have had with people in the solar energy field that at the moment there are two main approaches which show economic promise in terms of payback.

**Mr. Peterson:** It shouldn't be necessary to look at the report to have a policy.

**Hon. Mr. Auld:** One is domestic hot water heating and the other is heating swimming pools.

**Mr. Cassidy:** Supplementary: Given the problems that exist with oil and with nuclear power, and given that Ontario intends to commit at least \$20 billion to electrical power over the course of the next decade, can the minister say why the government should not now undertake a major program of investment both in conservation and in renewable forms of energy, such as solar



power, so that this can be a major source of jobs and of energy in the province over the next 20 years?

**Mr. S. Smith:** Remember that? We've been saying that for three years.

**Hon. Mr. Auld:** We have indicated that our plan and our target in renewable energy is to achieve a reduction of two per cent in our current energy needs, from other sources. I am told by experts in the field that is not a small target.

**Mr. S. Smith:** By way of supplementary, is the minister not aware that in the United States alone, to say nothing of Japan and western Europe, and in solar energy alone, let alone all the other renewables, \$650 million will be spent this year, and that is considered inadequate by most people who understand that industry in the United States? How does the minister compare that with Ontario Hydro's plans to spend about \$2 million, grand total, on all forms of renewable energy and conservation programs, when on a per capita basis we should be spending at least 100 times that?

**Hon. Mr. Auld:** As I think I indicated not too long ago, we have entered into an agreement with the government of Canada for, I think, \$58 million over the next five years to provide the kind of incentives which—

**Mr. S. Smith:** Their money.

**Hon. Mr. Davis:** No, it's not. It's taxpayers' money.

**Hon. Mr. Auld:** I think it's a substantial amount of money.

**Hon. Mr. Davis:** Ontario taxpayers. Never forget them.

**Mr. Conway:** That's not what Allan Lawrence said.

**Mr. S. Smith:** That's not what Larry Grossman said.

**Mr. Speaker:** Order.

**Hon. Mr. Auld:** The program we have undertaken with the government of Canada, I think, is a good one. I also want to repeat what I said before: We are monitoring what research is being done by a great many jurisdictions as well as our own and it seems to me to be a waste of money to be duplicating what somebody else is doing.

**Mr. Cassidy:** Is it not the case that the government's priorities as far as energy is concerned are reflected in the fact that this coming year it will spend about \$2 billion in investment for Hydro, but only about \$10 million out of our current estimates both for renewable energy and for conservation? Are those not now the government's priorities,

and why will not the government now undertake a comprehensive series of policies to make new subdivisions suitable for solar energy to encourage the solar industry and to provide loans and grants for solar installations?

**Hon. Mr. Auld:** Once again, very briefly, it seems to me that Ontario Hydro's primary task is to ensure an adequate supply of electricity which is a form of energy which everybody accepts. We know how it works and we can supply it and, in fact, we can supply it in a nuclear fashion with our own resources and not be in the hands of offshore suppliers and having a drain on Canadian dollars.

### NUCLEAR PLANT SAFETY

**Hon. Mr. Auld:** Mr. Speaker, on May 1 and May 25 I was asked by the member for Brant-Oxford-Norfolk (Mr. Nixon) about the status of a review by the Atomic Energy Control Board of Babcock and Wilcox in connection with damaged boilers for Pickering B.

On April 25, 1979, the president of the Atomic Energy Control Board, Mr. John Jennekens, advised the select committee on Ontario Hydro affairs that as a result of checks that had been made by Ontario Hydro quality assurance personnel, a review involving Ontario Hydro, its supplier, Babcock and Wilcox, and also its nuclear consultant, Atomic Energy of Canada Limited, was under way. Mr. Jennekens went on to advise the select committee that the study had been initiated several weeks previously. Members of my staff have been in touch with Mr. Jennekens and he provided us with the following information:

1. Ontario Hydro has kept the control board advised of the problems with the Pickering B boilers and there have been frequent staff level discussions of the problems and the possible courses of action.

2. Ontario Hydro informed the control board of its decision to have the boilers repaired and the control board agrees with this decision.

3. No decision has yet been made by Ontario Hydro on the precise repair procedure they would propose. When decisions are reached on the proposed repair procedures, the control board will consider them along with the staff of the Ontario Ministry of Consumer and Commercial Relations who, of course, are involved in inspection of boilers and pressure vessels. The control board is not preparing its own report into the situation. Mr. Jennekens was referring at the select committee to the review being conducted by



Ontario Hydro along with Babcock and Wilcox and AECL.

**Mr. S. Smith:** By way of supplementary, Mr. Speaker, is the minister satisfied that no such study has been undertaken by AECB, despite the testimony in front of the select committee which clearly indicated that a study was being undertaken? Why does he continue to try to give Hydro credit for somehow or other discovering the problem? Is he not aware that it was a complete fluke that the problem was discovered, that, in fact, Hydro was checking on some allegedly defective tubing which turned out not to be defective and, in that way, accidentally discovered that the Babcock and Wilcox heat treatment had produced the bends in the pipes?

**Hon. Mr. Auld:** To answer the last part of that question first, I understand that there was a new procedure which had been adopted which led Hydro to take the cover off unit number 33 and found what was going on inside.

However, in connection with the first part of the Leader of the Opposition's supplementary, in quoting from the Hansard of April 25 of the select committee, that's page HA-1200-2:

"Mr. Nixon: There's just one matter of clarification that I'd like to put in my capacity as a member rather than as chairman. I asked you if there was a special review of the Babcock and Wilcox capability and you said not on account of the Three Mile Island. Is there a review on another account?"

"Mr. Jennekens: Yes, Mr. Chairman, and Mr. Nixon, there is as a result of the checks that have been made by Ontario Hydro quality assurance personnel. There is a review that is currently under way involving Ontario Hydro and its supplier and also its nuclear consultant. The results of that review we consider to be an essential piece of information to our further consideration of the licensing of the stations involved." That clearly seems to me to indicate that it was not a review by the control board but the control board would see the results of that review when it was completed.

[2:45]

#### APPRENTICESHIP PROGRAMS: EMPLOYER-SPONSORED TRAINING

**Hon. Miss Stephenson:** Mr. Speaker, on May 11, the honourable Leader of the Opposition (Mr. S. Smith) and the member for Windsor-Riverside (Mr. Cooke) posed questions regarding the province's apprenticeship and employer-sponsored training pro-

grams. At that time, I indicated that I would provide the requested data and I am able to do so at this time.

Regarding formal apprenticeship training in Ontario, I am tabling a chart in which appendix A indicates the number of indentured apprentices in Ontario, under the Apprenticeship and Tradesmen's Qualification Act, by groups of trades during the past nine years. It should be noted that there has been a steady growth in the number of apprentices during this nine-year period from 18,146 from 1970-71 to 30,148 during 1978-79.

In answer to the question about the allocation of funds for employer-sponsored training during 1978-79, it must be emphasized that when the Ontario government developed the concept of employer-sponsored training, the federal government was supportive and offered to make available as much as \$8 million of unallocated training funds under their Adult Occupational Training Act. This \$8 million figure was not a provincial estimate of specific training needs but rather a federal earmarking of the maximum amount that could be made available during fiscal year 1978-79. It was understood that these earmarked funds would be assigned to only those pilot projects agreed upon by both federal and provincial officials.

To receive federal support, it was also understood that the projects would have to meet federal funding criteria under the terms of the federal Adult Occupational Training Act.

The emphasis during this developmental stage has been to explore various innovative and flexible ways of introducing additional industrial training in Ontario, primarily in the metal-cutting trades. During the last half of fiscal year 1978-79, approximately \$1.5 million was spent by both governments on employer-sponsored training projects. The details of the provincial portion of \$585,000 are tabled in appendix B of this document. The federal expenditure is estimated to be under \$1 million. When it became apparent to the federal authorities that not all of the \$8 million would be required, they released the unused portion for its original purpose of institutional skilled training under the Canada Manpower Training Program and of on-the-job industrial training under the Canada Manpower Industrial Training Program.

The pilot stage of EST continues to generate considerable interest from the private sector. In a previous reply on March 29, 1979, I indicated that 24 community in-



dustrial training committees had been formed and that 750 persons were in training. Since that time, the number of CITCs has grown to 30 and the number of trainees to 936 and we now have proposals in process which will result in 1,500 people being in training in the metal-cutting trades by the end of June of this year. Other proposals are anticipated which will allow the employer-sponsored training program to branch out into other areas of need which will further add to the total in training.

A complete list of the community industrial training committees now in operation and the number of trainees associated with each is tabled in appendix C of this document.

I trust, Mr. Speaker, that the honourable members will find this information useful.

**Mr. Martel:** On a point of order: In view of the length of that answer, would it not have been better as a statement?

**Mr. Speaker:** Had it been any longer, I was going to draw to the attention of the honourable minister that standing order 27(a) provides that wherever notice is taken of an oral question that requires a detailed answer it will be done by way of ministerial statement rather than taking up the time of question period. I timed it. It was just a little over two minutes and so under the circumstances we will allow it. I think in future, however, if a detailed answer is required, it should be done by way of ministerial statement.

**Mr. S. Smith:** Mr. Speaker, the original question was why, after a promise by the minister's predecessor in her portfolio that thousands of people would be involved and about \$7 million or \$8 million spent on this program, and with \$8 million of federal money available, her ministry was able to gear itself up to take advantage of only \$1 million of federal money and to make a \$1.5 million total expenditure?

Surely her ministry knew of the shortage of apprentices and the problems. Surely her predecessor knew what he was talking about when he said that thousands of people would come in during that fiscal year. Why could the ministry not gear itself up to take advantage of the millions of dollars of federal funds that were there waiting for it?

**Hon. Miss Stephenson:** As I mentioned earlier, Mr. Speaker, there are two requirements that are necessary for any program; that is, they must meet two specific federal criteria. There were a number of programs proposed during the fall, but we did spend the period of time from midsummer to

December exploring the possibilities in many areas, in many sectors and in many communities. It requires the involvement of community-oriented and community-based people to make this kind of program work effectively, and that was the initiative that was carried out during 1978.

As a result of that activity, there are now larger numbers of young people—those who are coming directly out of school and those who wish to be retrained or upgraded—who are moving into the employer-sponsored training program.

With the numbers of proposals available in the appendix list which I have tabled with you, Mr. Speaker, the honourable member will see just how many communities have put forward excellent proposals and the fact that we shall be able to move forward rapidly from now on.

**Mr. S. Smith:** But you have wasted a year.

**Hon. Miss Stephenson:** You have wasted a lifetime.

**Mr. Bounsall:** Mr. Speaker, a supplementary question: If one looks at the tables in the appendices, one discovers that there has been not quite a two per cent increase in active total apprentices in this year as opposed to last year. Does the ministry call it progress in advancing a workable apprenticeship program and an opportunity for young people in this province when the increase has been less than two per cent?

**Hon. Miss Stephenson:** Mr. Speaker, the apprenticeship program is one of the areas in which a great deal of basic activity must be begun. The Industrial Training Council, under the recommendations of the Hushion report, has made certain recommendations, which came to me last week, in terms of modifying certain areas of the apprenticeship training program to make them more attractive to young people. That is one of our major activities for the very near future. Young people wishing to move into the apprenticeship program would like to have the opportunity to see that their apprenticeship program does not require a five- or six-year total commitment of their lives in order to reach journeyman status, because they believe it should not require that length of time. That is precisely the activity which I reported to this House we were exploring and have been exploring over the past several months.

#### CHILD SUPPORT PAYMENTS

**Mr. Blundy:** Mr. Speaker, I have a question for the Minister of Community and



Social Services. Further to my question last week about the \$33 million worth of child support payments in arrears in Ontario, I would like to ask the minister why he has only 20 parental support workers attached to the 53 provincial family courts in the province? Why would the minister maintain the PSW unit, a unit set up to identify and expedite support orders, when he does not staff that office properly?

Does the minister see any correlation between the fact that the nine courts with the highest defaulting rates are those that do not have parental support workers placed with them by his ministry? The nine are Waterloo, Rainy River, Bruce, York, Peel, Lambton, Huron, Hastings and Frontenac.

**Hon. Mr. Norton:** I am sorry, Mr. Speaker. I could not hear the latter part of the honourable member's question.

**Mr. Blundy:** I will be glad to repeat it, Mr. Speaker.

**Mr. Speaker:** Without the details.

**Mr. Blundy:** All right. Does the minister not see some correlation between the fact that the nine courts with the highest default in payments do not have any parental support workers attached to them and that out of 53 courts only 20 have such workers?

**Hon. Mr. Norton:** It is my understanding that a more relevant factor in the rate of enforcement is to be seen in those areas where the family court has implemented a system of automatic enforcement, where on a regular basis the files are brought forward and if payments are missed the defaulting person is brought before the court to account.

I am not sure off hand whether the correlation the member has cited is as significant as the one that I have referred to. I will check with my staff to see if I can get more data on that.

**Mr. Blundy:** Would the minister describe what level of liaison his ministry has had with the Attorney General on this problem? It is my information that there has been virtually no effort by the Ministry of Community and Social Services to co-ordinate a more effective method of enforcing and collecting support payments.

**Hon. Mr. Norton:** I don't know where the member gets his information. I can assure him there has been liaison both at the staff level and in conversations on the subject between myself and the Attorney General.

**Mr. McClellan:** Can I ask the minister whether it wouldn't make more sense for the ministry simply to assume the responsibility for collecting support payments and ensuring

whatever legal action is necessary if the payments aren't made, rather than requiring family benefits mothers to do that and to penalize them financially if the spouse doesn't make the support payments? Why doesn't the ministry assume the responsibility for collecting and enforcing?

**Hon. Mr. Norton:** It is my opinion at this point that probably an even more effective way of doing that, if staff is available, is to have it done through the provincial court so there is, in fact, a record of whether the money has been paid on a monthly basis. If a payment is missed, then the court can automatically institute the procedure to require compliance with the order. I think that would be more efficient than requiring my ministry to become involved as a fourth party. It seems to me that administratively the automatic enforcement through the courts is the most efficient available.

#### TTC NEGOTIATIONS

**Hon. Mr. Davis:** On a point of personal privilege: I don't often wish to correct what is reported in the press, but in that this matter is of some sensitivity, I thought I should. I really thought I would have had a question, but I know there are other urgent matters.

There is a story in the Sunday Sun, which paper isn't often in error, which was repeated by the Toronto Star. It relates to the discussions going on between the TTC and the transit union. There was a letter from myself to Mr. Moynehan. I think the member for Riverdale (Mr. Renwick) asked me about it some time ago.

The Sun story indicates that it is a secret letter. It's so secret it has been posted in the press gallery. There is a quotation in the story: "I don't like to intervene in the free collective bargaining process, but if the public of Toronto is inconvenienced I have no choice but to act." That same quote is used in the Star story with some amplification, et cetera.

I word my letters as carefully as I do my answers in the Legislature.

**Mr. McClellan:** You mean the letter says nothing?

**Hon. Mr. Davis:** Actually, it is a fairly brief letter. I just want to make it abundantly clear that there was no such statement contained in the letter. I did not suggest that if there was inconvenience I would have no choice but to act. I do refer to the fact that the government does believe in the collective bargaining process as it is at present in legislation. I am not sure where the quotation



emanated from or the genesis for it, or the indication that the letter was theoretically secret. I don't think it was marked "Personal and Confidential," and this is no disrespect to Mr. Moynihan but I don't think he expected that it was a secret or confidential letter either.

[3:00]

#### HEALTH SERVICE CHARGES

**Mr. Breaugh:** Mr. Speaker, I have a question of the Minister of Health. What is the position of his ministry on an opted-out physician, without notification, charging above the Ontario Health Insurance Plan scale in a publicly funded hospital and subsequently taking the patient to small claims court to collect?

**Hon. Mr. Timbrell:** Mr. Speaker, that type of situation is clearly covered in the statement I made in March. I would expect that any such case the honourable member might have knowledge of he would relate to us or directly to the Ontario Medical Association, which has been successful in mediating similar misunderstandings.

**Mr. Breaugh:** I did that same routine on April 12 and have not heard any results from it. In this instance it has already been to the OMA, and they say there is nothing they can do. Does this then qualify his ministry's agreement with the OMA, in the words used by today's Star editorial, as a program that is more public relations than public service?

**Hon. Mr. Timbrell:** I may say that we have had very few indications of problems in recent weeks. I am not sure to whom the honourable member spoke on April 12, but I will be glad to check into that.

**Mr. Breaugh:** To the minister—in here.

**Hon. Mr. Timbrell:** I referred that to staff at the time, probably.

**Mr. Breaugh:** I made the fundamental mistake of asking the minister.

**Hon. Mr. Timbrell:** The fact of the matter is that the program seems to be working well.

**Mr. Wildman:** Except when you get involved.

**Mr. Conway:** A supplementary question, Mr. Speaker: Can the minister indicate today, or take advantage of statements at an early opportunity to explain to members of this House, exactly how the mechanism referred to in his March statement has been proceeded with? Can he perhaps give us all a better understanding of the specifics of this mechanism, which is to alleviate the problems spoken of by the member for Oshawa?

**Hon. Mr. Timbrell:** Mr. Speaker, the OMA and the Ontario Hospital Association have met several times since then to discuss the matter. To date, to my knowledge, they have not finalized those discussions. There is no formal mechanism as such developed as yet.

**Mr. Breaugh:** There isn't an informal one either.

**Hon. Mr. Timbrell:** We have been in regular contact with both. Any particular problems that have been drawn to our attention, to the best of my knowledge, have been resolved.

The member for Oshawa claims—and I underline "claims"—that there is a particular problem that has not been resolved. I will check into that and see whether that is the case and, if so, why.

#### CHILD SUPPORT PAYMENTS

**Mrs. Campbell:** Mr. Speaker, my question is to the Attorney General and in essence is a companion piece to the questions addressed to the Minister of Community and Social Services.

In view of these child support orders in the family court, and the numbers with which his ministry deals, would the minister see fit to computerize these orders in the courts so that the social workers, the recipients and the courts themselves may be served by a support payment procedure that could be regularly updated and enforced?

**Hon. Mr. McMurtry:** Mr. Speaker, I do not think there is any question but that there is a great deal of wisdom in the question put forward by the member for St. George, inasmuch as the automatic enforcement procedures we have applied have been quite successful. Whether a further or greater or more widespread application should be done by computer or otherwise, I am really not in a position to make that judgement.

There is no question but that we need to extend our automatic enforcement procedures, and I am hoping we will be obtaining additional funds for this purpose.

**Mrs. Campbell:** When the minister is looking at this matter, would he also set forth guidelines for the consistent recording of these orders so that there can be some control over the labelling of accounts as dormant? As the minister undoubtedly knows, at the present time this seems to be arrived at individually in each court by a bookkeeper in the court. Some judges, as the minister knows, have erased arrears when they became substantial.



**Hon. Mr. McMurtry:** I will certainly look into the matter of guidelines. I've asked for an updating of the existing situation.

[One of the problems is that a number of these orders are made ex parte in absentia so far as the spouse who is required to make such payments is concerned. Unfortunately, a large percentage of the total is represented by orders that are really in effect default orders right from the commencement, where the individual, often the husband, has not bothered to appear, the whereabouts is not known and the figure at the beginning is a rather arbitrary figure.]

**Mrs. Campbell:** Is it a new procedure?

**Hon. Mr. McMurtry:** No, this is particularly so in divorce matters. This is very common because a large percentage of the divorces that are granted in this province are undefended, as the member for St. George knows. This often applies to the orders that are made in these very large numbers of undefended divorces which are then filed in the family courts. I mention this only to indicate that in many of these cases there is a certain unreality right from the beginning. In any event, we are looking into the matter very carefully, and it may be that some better form of guidelines would be appropriate.

#### FRUIT LAND PRESERVATION

**Mr. Swart:** My question is of the Minister of Housing. Does he recall that his predecessor announced with great fanfare in February 1977 that his government was cutting back the urban development boundaries in Niagara to save, as he said, some 3,000 acres of fruitland?

Given that the developers in certain municipalities have appealed almost all of that reduction to the Ontario Municipal Board and asked to have it expanded to the original boundaries and that the hearings start one week from today, is he going to have legal counsel present at the OMB hearings to defend his position?

**Hon. Mr. Bennett:** Yes, we shall have legal counsel present at the OMB hearing a week from today. We shall make very clear in the opening statement exactly what we believe the OMB's responsibility is under this particular hearing.

#### MILTON SCHOOL DELAY

**Mr. J. Reed:** My question is of the Minister of Education. Would the minister undertake to review a decision by her ministry to delay from 1980 to 1982 completion of a new school in the Timberlea subdivision area in the town of Milton? Upon completion of

that review, would she give an indication to this House as to the time line when she could bring back a decision based on changes that have taken place over the last six months in terms of population expansion?

**Hon. Miss Stephenson:** Yes.

#### CHEMICALS IN SCHOOL YARD

**Mr. M. Davidson:** I have a question of the Minister of the Environment. Given that soil testing in the playground area of Manchester School in Cambridge shows excessive levels of zinc, cadmium, copper, nickel and lead, can the minister explain why it is that the school board was not notified of the problem until some time last week, when the ministry was aware of the situation as far back as last October and apparently sat on it?

**Hon. Mr. Parrott:** That is not so. We took a few tests last October. We wanted to take a good deal more tests and we've done that. That information is only recently available. I cannot accept what the member opposite has said.

As I understand the situation there, it was routine testing that found this, and we wanted to confirm all of that information. There is no doubt there are high tests there. But I would like to remind the member too that in 1977 or 1978 a control order was placed on that industry. We sure haven't sat on it and done nothing.

**Mr. M. Davidson:** A supplementary: Given that the final report was brought down in March and that the official of the ministry in Cambridge is only aware of the lead level, which is 2,000 parts per million, and that one of the toxic metals is cadmium, which is far more dangerous, why is it that the ministry's official in Cambridge does not know the levels of the other metals involved? When, in fact, is the minister going to table a report of these findings so that we may be aware of the exact levels found in the soil?

**Hon. Mr. Parrott:** I don't think the member is asking that every routine test made by the Ministry of the Environment be tabled.

**Mr. Martel:** It was hardly routine.

**Mr. M. Davidson:** You're right; I'm not.

**Hon. Mr. Parrott:** We're quite prepared to table any information the member wants at any time we have it; no problem there whatsoever.

**Mr. McClellan:** What is routine about this?



**Hon. Mr. Parrott:** The hundreds of thousands of tests aren't always going to be put on this table.

**Mr. Makarchuk:** Surely when you're dealing with a schoolyard you might show a little more interest.

#### NORTHLANDER SERVICE

**Mr. G. Taylor:** Mr. Speaker, a question of the Minister of Northern Affairs: Over the past two years the Ontario Northland Railway has made some six changes in its schedule on the stops between Barrie and Orillia, on both its north and south routes. I am given to understand that again the Northlander train will not be stopping at Barrie or Orillia on its north or south routes. Is there anything that can be done to convince these people that both those communities are necessary stops for the Ontario Northland Railway?

**Mr. Bradley:** The minister can't blame the feds.

**Mr. S. Smith:** It's the wrong government.

**Hon. Mr. Bernier:** Mr. Speaker, as you know, there was considerable pressure to move that stop up to Orillia some time ago. I believe I indicated to the honourable member that we would review the possibility of having that train stop at Barrie, and I am prepared to look at that matter again.

**Mr. Wildman:** Supplementary: Are these cutbacks part of an attempt to get in line with federal policy so that VIA Rail can take over the passenger service of Ontario Northland?

**Hon. Mr. Bernier:** No. We have not had any serious discussions with VIA Rail.

**Mr. Wildman:** What do you mean by "serious"?

#### PUBLIC HOUSING

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Housing, if I can get his attention. Is the minister aware that the influx of people from all parts of Canada as a result of the industrial expansion in the Windsor area has placed an unusual stress on existing housing, making it more and more difficult for those on low and fixed incomes to find affordable housing? What plans does the minister have to alleviate the needs of the 696 senior citizens and families who now have applications in to Ontario Housing Corporation?

**Hon. Mr. Bennett:** Mr. Speaker, first of all, not too many weeks ago, as the member will know, I met with the mayor of Windsor

and also the general manager of the housing authority for that particular community. We reviewed some of the needs for public housing, both for families and for seniors. I am not prepared to accept that number as being the most accurate possible, because there are a number of applications which, when they are eventually processed to the final degree, will be found not to qualify under the criteria that at present exist in the Ministry of Housing and with the housing authority.

We have discussed with the mayor and his people other ways of putting housing units on the market. The Bridge Street program, with which we have concurred and which is under way—and some of the units of which will go into the rent supplement program—has been approved by the Ministry of Housing to try to take up some of the slack that exists in that particular community.

I am also waiting to hear back from the mayor as to other projects he would like to review with the Ministry of Housing as possibilities to come under rent review or under the sponsorship of a non-profit housing corporation.

**Mr. B. Newman:** Supplementary: As some of the individuals now live in housing which is satisfactory to them but which is owned by private individuals, and cannot afford that housing, and, as a result, have applied for housing with the Windsor Housing Authority, why wouldn't the minister consider a rent supplement to such individuals? Does the minister not consider it unfair to subsidize one and not another when their incomes are exactly the same?

**Hon. Mr. Bennett:** If, by chance, the city of Windsor and its housing authority wish to recommend to the ministry that certain privately owned housing be looked at for rent supplement programs, we are prepared to do so; whether we use the in situ situation or not is something else.

The fact is that there are some projects in this province which the ministry has been asked to declare as rent supplement units and to allow the tenants at present there to go on to a rent supplement program. In the assessment of those tenants, their position and their rating have been found to be not as high as that of some waiting to get into those units. I think what we are really looking at, in fair and frank terms, is trying to do end runs on the system, and I don't think it's fair.

[3:15]

There are others who are not at present in adequate housing and who are looking



for accommodation or their point system is substantially higher. As a result, if you allow this end run situation to take place, the first thing we will have is a great number of people, who I think and the system also says, are not as eligible for the rent supplement program but because of their presence in a certain unit they would qualify. I don't think that's the way the system should work.

**Mr. Cassidy:** You are strangling in red tape.

**Mr. Cooke:** Is the minister aware that in Windsor, there are 172 single people between the ages of 25 and 59 who have applied to get into Windsor housing but because of the Ontario Housing Corporation policy stating they will not house these types of people even though they are disabled, they cannot get housing in Windsor and other cities across this province? When is the minister going to change his policy so these types of people can live in decent housing instead of slums?

**Hon. Mr. Bennett:** That situation doesn't exist only in Windsor, obviously.

**Mr. Cooke:** That's what I said.

**Mr. Warner:** It's a provincial failure.

**Hon. Mr. Bennett:** The member for Scarborough-Ellesmere should know about failures because he really typifies them in this particular House. There are people in the age group between 25 and 59, as the member said. We have tried, through the public purse with Central Mortgage and Housing Corporation, the municipalities and the provincial government, to provide housing for the age groups we think are most in need. Number one is family accommodation and number two is senior citizens, who are 60 years of age and older. It has not been the policy, either federally, provincially or municipally to try to fill that void or the vacuum that exists for the ages between 25 and 59. Mr. Speaker, to be very honest with you, the system hasn't got the capacity and it is not our intention at this time to change the policy.

#### RAPE CASE

**Mr. Mackenzie:** A question of the Attorney General: In view of the attempt to subvert justice in a particularly vicious rape trial scheduled for next month as evidenced by the explosives which killed two people in a van near the home of the victim and this morning's dismantling of a powerful bomb which was near the home of another one of the victims in this particular rape

case, would the Attorney General report to the House the steps he has taken to protect the witnesses, and will he move the date of the trial up, at the request of local authorities?

**Hon. Mr. McMurtry:** I certainly will attempt to assure the House proper steps are being taken to protect these witnesses. To publicly reveal the precise steps, of course, might defeat the effectiveness of the protection. Moving up the date of the trial is really a matter for judicial determination. I will discuss with the crown prosecutor the possibility of doing that, but the ultimate decision will lie with the court and the judge who is seized of the case.

**Mr. Mackenzie:** Supplementary, Mr. Speaker: Would the Attorney General report to the House on his ministry's actions and instructions to police forces across Ontario to eliminate such sick actions and deal with those motorcycle gangs reputed to have connections with organized crime and the illicit drug traffic? Will he specifically report to the House as to whether or not the use of dynamite bombs as a means of intimidation, which has grown to almost epidemic proportions in the United States, has now moved over into Ontario as well?

**Hon. Mr. McMurtry:** I will report back to the Legislature to the extent I can, Mr. Speaker. Generally in relation to this problem I just want to make it clear to the member, I share his concern.

#### QUALIFICATIONS OF DIRECTOR OF EDUCATION

**Mr. Ruston:** I have a question for the Minister of Education. Has the Minister of Education any guidelines for the qualifications of a director of education? Can, in fact, someone be a director of education who only has correspondence courses?

**Mr. Wildman:** Are you looking for a job?

**Hon. Miss Stephenson:** I am aware there are some guidelines for the director of education. The individual must have been an experienced teacher with administrative experience as well. I am sure the other specific qualifications are outlined somewhere. I don't know them at this present time but I shall be happy to investigate them.

I am aware there has been an applicant for the role of director of education who did indeed achieve some increased qualification through correspondence courses. Those are, in many instances, valid courses. I would have to examine the institution from which the qualification was granted in order to



know whether one should look askance or sceptically at the qualifications so demonstrated by that individual. But there are many correspondence courses—to wit the ministry's correspondence program—which serve many people in outlying areas extremely well, not only at the secondary school level but also at the post-secondary level.

**Mr. Renwick:** Mr. Speaker, has the Premier, after his fleeting visit, left the chamber?

**Mr. Speaker:** It appears he has left.

#### CONFLICT OF INTEREST

**Mr. Bounsall:** A question of the Minister of Education, Mr. Speaker: Since the minister is no doubt aware that today Lisa Spencer resigned her position as an elementary school teacher with the Toronto board of education in order to avoid any possibility of a continuing conflict of interest for her spouse, Robert Spencer, a trustee with the Toronto board of education, under the present wording of the Municipal Conflict of Interest Act, would the minister consider seeking an amendment to that Municipal Conflict of Interest Act so that it has the effect of the criterion her predecessor always applied; that is if voting on a question does not put money directly in one's pocket, he or she has no conflict? Alternatively, would she consider amending the act so there is not a conflict of interest if a spouse is part of a unit represented by a bargaining agent?

**Hon. Miss Stephenson:** Mr. Speaker, I shall be delighted to discuss with my predecessor his interpretation of the conflict of interest portion. I am not sure the statement just made by the honourable member for Windsor-Sandwich was exactly that which I have heard from my predecessor. I shall be very pleased to speak to him about it.

#### PETITION

##### NUCLEAR PLANT SAFETY

**Mr. Breithaupt:** Mr. Speaker, pursuant to standing order 33(b) of the Legislative Assembly Act, we, the undersigned, petition that the 1977 annual report of Ontario Hydro be referred to the standing resources development committee for the purpose, without limiting the scope of the committee's inquiry, of investigating and reporting as soon as possible on the matter of defective boilers supplied by Babcock and Wilcox Canada Limited to Ontario Hydro.

If the 1978 report is tabled today, the petition could, no doubt, be amended accordingly.

#### INTRODUCTION OF BILLS

##### DISTRICT OF PARRY SOUND LOCAL GOVERNMENT ACT

**Hon. Mr. Wells** moved first reading of Bill 100, An Act respecting Local Government in the District of Parry Sound.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, this bill is essentially the same as Bill 205 which was introduced last December. The principal changes I can outline very briefly. The name "township of North Georgian Bay" has been changed to "Georgian Bay Archipelago township," and the council will be headed by a reeve instead of a mayor. The first reeve will be elected by council from among the members of the council. In addition, the existing townships of—

**Mr. Martel:** It sounds like regional government to me.

**Hon. Mr. Wells:** —Humphrey and Foley will have portions of Conger township annexed to them.

**Mr. Bradley:** Regional government under another name.

**Hon. Mr. Wells:** Not really.

The bill also clearly defines the water boundaries in front of the town of Parry Sound. The start-up date for all these reorganizations is January 1, 1980, rather than December 1, 1979, to coincide with the normal municipal fiscal year. In addition, the province will not only pay the costs of the special elections in Kearney and the Georgian Bay Archipelago in 1979 but also the costs of the school board elections for those areas in 1980 since there would be no regular municipal elections at that time.

##### PUBLIC UTILITIES AMENDMENT ACT

**Hon. Mr. Wells** moved first reading of Bill 101, An Act to amend the Public Utilities Act.

Motion agreed to.

**Hon. Mr. Wells:** This bill proposes four changes to the Public Utilities Act. The first will permit the resale of water with the permission of the municipality and thus enable commercial water haulers to resell water from a waterworks to persons whose water supply has been depleted.

The second will strengthen the wording of section 30 by providing that amounts payable for the supply of a public utility are a lien upon the lands, in the same manner and to the same extent as municipal taxes upon the lands.



The third will update the provisions for electing members of hydro-electric and public utilities commissions by making it clear that the provisions of the Municipal Elections Act, 1977 apply.

The fourth amendment will delete the existing provision which requires Ontario Hydro's approval of the salaries paid to members of hydro-electric and public utilities commissions.

### CHILDREN'S RIGHTS ACT

Mr. McClellan moved first reading of Bill 102, An Act to declare the Rights of Children in Ontario.

Motion agreed to.

Mr. McClellan: Mr. Speaker, the purpose of this bill is to declare the rights of children in Ontario and to provide a means for enforcing those rights through the process of judicial declaration.

The bill sets out a series of 12 rights belonging to every child who is resident in this province, and states every parent and the government of Ontario has the duty to protect these rights.

In certain circumstances, an application can be made to a judge for a determination whether a duty to a child has been fulfilled, together with the nature of that duty.

The bill further provides guarantees for children in any proceedings concerning matters affecting the guardianship, custody or status of children.

I may add, Mr. Speaker, this represents a contribution from our caucus to the International Year of the Child.

### ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Grossman: I would like to table the answer to question number 123, and the interim answer to question 181 appearing on the Notice Paper. (See appendix, page 2281.)

### ORDERS OF THE DAY

House in committee of supply.

### ESTIMATES, MINISTRY OF NORTHERN AFFAIRS

(continued)

On vote 701, ministry administration program; item 1, main office:

Hon. Mr. Bernier: Mr. Chairman, when the committee rose last Friday in the examination of the estimates of the Ministry of Northern Affairs, the honourable member for Sudbury was bringing to the attention of the House the need to do something in

northern Ontario with respect to those single-resource communities that encounter economic problems as they move down the economic life of that resource. He was referring specifically to the possible transportation problem or the transportation needs between the Sudbury basin and Elliot Lake.

If I might just take a moment, I'd like to recognize the very large group of Dryden students who are in the gallery today. It is an exceptionally large group. I think there are close to 60 or 75 students from Dryden here today.

[3:30]

Of course, they are assisted by the Young Voyageurs program and as well they contributed handsomely themselves. They have made use of that very efficient airline, Nordair, to come to Toronto and see firsthand their government at work. To them we extend a very warm welcome, and we hope their visit is both very lengthy and very pleasant.

Mr. Chairman, I would like to put into the record some proposals that came before us at that particular time. Honourable members will recall that the mayor of Kapuskasing, René Piché, through his action committee, made some overtures with regard to the improvement of air service through his area, that being from Kapuskasing to Elliot Lake and on to Toronto, with a Dash-7. In fact, officials of the Ontario Northland Transportation Commission did a review of the possibilities and went so far as to even name it the Miner Liner, which, if it were implemented, would move miners from Sudbury to Elliot Lake and return. The proposal did receive considerable initial response but was deemed impracticable under current circumstances. It was reviewed internally by my own ministry back in the spring of 1978, and the conclusions were the same.

I might say that at that point we had some discussions with the federal government on the possibility of leasing a Dash-7. We hope we can work out an arrangement. But our visit to Ottawa to meet with the now extinct Minister of Industry, Trade and Commerce, Jack Horner—the great member from Alberta; the fellow who can ride a horse—was disastrous.

Mr. Bolan: Never mind whether he can ride a horse. Find out if he can fly an airplane or get one for the minister.

Mr. Wildman: What was Otto Lang's position?

Hon. Mr. Bernier: He wasn't at the meeting. Bob Andras was there, along with Keith Penner; Ralph Stewart I believe was there, as was Maurice Foster. In fact, Maurice



Foster was one of the prime movers, along with René Piché, of this idea. But we were shot down in flames with that idea, because it was obvious that the traffic was not there. We feel it would take about three years before the traffic volume would be sufficient to support such a service, at least based on the figures we had at that particular time.

I also want to mention that Mayor Gordon of Sudbury has prepared a brief entitled "Sudbury-Elliot Lake: Government Policies Required to rationalize Economic Development Patterns." This brief calls for the provincial government to provide solutions to present transportation and communications deficiencies between the two urban centres. I believe that is what the member from Sudbury was alluding to.

The brief asks for very considerable outlays of government funds for items such as acceleration of the four-laning of highway 17 west, subsidizing of bus services for commuters between Sudbury and Elliot Lake, improved norOntair service between Elliot Lake and Sudbury, improved high-speed passenger rail service between Toronto, Sudbury, Elliot Lake and Sault Ste. Marie, high-quality communication links through data transmission lines, and provision of government services from Sudbury-based personnel and facilities for Elliot Lake during the rapid urban expansion of that particular community.

It would be premature for me, or even the government, to make any comment at this time on that brief. It is being reworked, I think, with the North Shore communities, because there was some reaction to its contents, of which I am sure the member for Algoma is more aware than I am. After the brief is reworked and is presented to us, we certainly will have a good, close look at it.

I want to mention, for the benefit of the honourable members, some of the provincial assistance we have given the Sudbury basin during the recent crisis. Members will recall the announcement of the \$10-million provincial building in Sudbury. Many of the members from the Sudbury basin were present when my colleague, the Minister of Government Services (Mr. Henderson), did the official sod-turning a little less than a year ago. That building is well advanced now and is the project providing a considerable amount of employment to the construction trades.

The Ministry of Northern Affairs gave a specific amount of funding for work to be carried out on the Nickeldale Dam by the Nickel District Conservation Authority. A number of road projects were also included for acceleration and improvement in that

particular area, especially highways 17 and 108. Members all remember the very substantial financial assistance that MNA provided for the 2001 venture, a three-year, locally-initiated venture, whose thrust to pull the community around was the need for industrial development right there in the Sudbury basin. The amount of that assistance was about \$600,000.

In addition, the ministry has contributed to the greening of Sudbury, which is a project to improve the greening in that particular area. Assistance about which I have spoken already was given to the Sudbury import substitution study and the agricultural revitalization study. Those are just a few of the items we're assisting directly at a time of crisis and severe problems that municipality is having. Let's hope they will be of only a short duration.

There is also, of course, the work we have been doing with DREE people in connection with the Walden industrial site. That is just a brief review of a number of the items we are doing in the Sudbury area that some of the members may have forgotten. It is quite substantial and I am sure the results will be very positive.

I would like to answer another question before I take my seat. The member for Algoma (Mr. Wildman) questioned the length of time it is taking to build the Bailey bridge for Crystal Falls. I am told that it is quite a distance for that bridge. It is something like 200 yards. The water is exceptionally fast and the bridge may require a centre structure as support. The approaches were gone at both ends. Completion is set for August but they are going to try to accelerate the date. These are some of the problems they are confronted with.

In the meantime, we will be working closely with the Minister of Natural Resources to provide a larger boat to transport the students back and forth. That is not in place yet but my staff told me as recently as an hour ago that discussions are well advanced.

**Mr. Bolan:** Seeing that the minister is in such a good mood today in discussing in the House the advances the ministry is making in transportation in the Sudbury-Elliot Lake area, perhaps we could also find out at this time just what the minister has to say about the cutbacks in bus transportation which were introduced by the Ontario Northland Transportation Commission last fall.

There were some cutbacks which were made, not in the lucrative runs like the one from Toronto to North Bay or from North Bay to Timmins, but rather in those areas



which are not lucrative and where the service is definitely required. I am thinking particularly of the area from Timmins to Foleyet, which I believe was discontinued altogether, and some other routes from Timmins to Wawa which were very seriously cut back.

Would the minister first of all care to give us the reasoning for these cutbacks or discontinuances, and tell us whether or not this is the type of policy which the government will pursue in the future, and whether or not the policy of the government is to look at the bottom line of the bus operation and to keep on effecting cutbacks as long as the bottom line shows red until we see black?

**Hon. Mr. Bernier:** Mr. Chairman, let me point out it is certainly not the government's policy, or indeed the Ontario Northland Transportation Commission's policy, to just cut back service for the sake of cutting back to show a profit. There's a certain rationalization that has to occur. They are charged with the responsibility of running an operation within certain guidelines.

The member will recall the remarks the chairman made to the North Bay Chamber of Commerce. Management Board in its wisdom and the government in its wisdom have taken certain sections of the ONTC and split them up into commercial and non-commercial. In other words, there's some we know should be subsidized and we fully accept that responsibility.

There are others that compete with the private sector and they should be carrying a fair share of that responsibility. In other words, how far do we subsidize those other facilities? I can assure the honourable member that it is not a policy of outright cutback and withdrawal of services, only a rationalization and improvement in some cases where the service is not used and maybe a further refinement of the amount of traffic is warranted.

**Mr. Wildman:** Mr. Chairman, in relation to that, I would like to ask a supplementary on the bus service and make one comment in relation to the study my colleague from Sudbury discussed last Friday; that is, the comment that perhaps there might have been more consultation by the Sudbury council in preparation of its brief with Elliot Lake and with some of the North Shore communities that might have allayed some of the concerns expressed later on. Hopefully, if there is an improvement in transportation, and certainly bus service, between Sudbury and Elliot Lake that will also take into account

the North Shore communities and the benefits that might accrue to them.

In relation to the question asked by the member for Nipissing regarding Ontario Northland cutbacks and the minister's reply, I just want to point out that the minister had indicated to me previously, as had the Minister of Transportation and Communications (Mr. Snow), that if there was to be a cutback in service in the Wawa area this would not occur without consultation, and secondly, it would take place in relation to other services, such as commercial services like Greyhound, in the area.

Yet when the cutback took place customers, small businessmen who used the Ontario Northland for freight between Timmins and Wawa, did not hear about it until the announcement was made in the press, including the owner of the local weekly in Wawa, who happened to use the service. He didn't know about it until he got the news release from Ontario Northland. That hardly constitutes prior consultation.

When I approached the ministry and asked for clarification on this and why on earth this had happened, I was informed they felt they were having to compete with Greyhound on the route between Wawa and Sault Ste. Marie, along highway 17 and that people could use Greyhound. Apparently, Ontario Northland and the ministry were unaware at that point that Greyhound had just previously cut its service.

In order to spend a day in Sault Ste. Marie shopping or visiting friends or doing business there, if you want to go by bus and get there early in the morning you have to leave Wawa at 3 a.m. This is hardly an adequate service. It seems to me we need some kind of explanation as to why, first, there wasn't prior consultation with the people involved and the people affected; and second, why is it Ontario Northland was so unaware of what Greyhound was doing?

[3:45]

**Hon. Mr. Bernier:** Mr. Chairman, I'm sure the honourable member is aware that following his communications with me the chairman of the ONR did make a personal effort to go into those communities and to meet personally with those people and explain the actions of the ONR.

**Mr. Wildman:** That was after.

**Hon. Mr. Bernier:** To say the least, I think they were favourably accepted once he explained to them the reasons for it. They are reasonable people; they are businessmen themselves and the problem was resolved.

I'll agree with the member there was a breakdown in communications and I hope



that doesn't happen again. I do feel strongly that when the service is being reduced or changed in any way those customers who are directly involved should be notified as early as possible. The staff have been aware of this shortcoming and they will attempt not to repeat it in the future.

Item 1 agreed to.

On item 2, analysis and planning:

**Mr. Wildman:** Again I'd like to go briefly to the role of the ministry. We were told in our analysis of the planning activity that the role is inter-ministerial—participating in committees, proposals emanating from other ministries and so on. I'd like to know what involvement this ministry has had with the various studies on government changes, such as the bill introduced this afternoon by the Minister of Intergovernmental Affairs (Mr. Wells) with regard to the Parry Sound area.

**Mr. Bolan:** That's in northern Ontario too.

**Mr. Wildman:** Yes, I know it is; that's why I mentioned it.

**Mr. Bolan:** But they don't know it.

**Mr. Wildman:** I understand there are a large number of studies going on. One is in the Blind River area regarding possible municipal annexation of other areas around Blind River. There is one that deals with the Smooth Rock Falls area, around Strickland and Fauquier. There is one in the Kirkland Lake area; and of course, there is also one in the Sault Ste. Marie north area, in my own riding. What is this ministry's role, if any, in these studies by the Ministry of Intergovernmental Affairs on changes in the municipal organization? Some of them include annexation of unorganized areas or smaller municipalities, or the establishment of new municipalities in northern Ontario.

**Hon. Mr. Bernier:** Mr. Chairman, we are very much involved in those studies. The staff teamwork is very evident. It shone through in the preparation of the Local Services Board Act. That was a typical example.

As the act was moving ahead the communication between the two ministries was, to say the least, excellent from the minister right down to all members of both ministries. We do have an involvement. We are able to provide the northern input which is so important in these studies. I think there are 12 or 15 studies, if memory serves me correctly, going on right across northern Ontario now. We are looking at various forms of annexations and new government

structures and that type of thing. So we have a direct link and we are able to put that northern feeling into it. Some people down here think there will be massive amounts of growth in these areas, but that is not necessarily the case. The records show that over the last 10 or 15 years we haven't had the kind of growth some people down here feared. It's those kinds of things we're able to express to the Ministry of Intergovernmental Affairs.

I'm personally confident, after discussions with the present minister, that he is very much aware of our feelings. The ministry is very cognizant of northern affairs and they're relying on us for input, at least of the attitudes that we sense in northern Ontario. So we are there and we have the opportunity to provide input and to share with that ministry any proposals that come forward.

**Mr. Wildman:** All right, I'll accept that. I just noticed this afternoon that when the Minister of the Environment (Mr. Parrott) made a statement with regard to Elliot Lake, he referred to the tabling of a report I had referred to earlier in these estimates, the Environment Assessment Board's report. In that report it states there are going to be serious problems, in terms of services among other things, completely apart from the immediate environmental impact of the expansion. That is environmental in the normal sense of the word; in the wider sense there are going to be serious problems with services such as hospitals and many others, even such things as waste disposal.

In the statement made today by the minister, he thanked specifically a number of other ministries, the Ministry of Housing and so on, for co-operating with his ministry in appearing before the Environmental Assessment Board hearing, as well as a number of other agencies in the community, such as companies, unions and the town of Elliot Lake.

Was your ministry involved at all in the environmental assessment hearings in Elliot Lake; and is it going to be involved in the plans for the provision of services? I note what you have said about Atikokan in terms of communities that are experiencing a depression in their economies and what your ministry has attempted to do. What about a community that is booming? There seems to be a problem here, in that as long as things are booming I detect a feeling on the part of the government that everything is fine. However, if things are slowing down, then



perhaps we have problems we should look at.

We should be looking at Sudbury, I certainly would agree there; but what about a community that is going so fast it's very difficult for the town officials to keep up with the kind of expansion taking place, as in Elliot Lake?

**Hon. Mr. Bernier:** In connection with the Elliot Lake situation, as I have pointed out on many occasions we are not a line ministry. We don't have the technical people, such as the Ministry of the Environment has for environmental problems or design engineers for highways or the input the Ministry of Housing would have; but that co-ordinating role is there and we are involved. While we are not there on a front-line basis, I think it's fair to say we are included in those discussions. We don't carry forward the thrust in the same way we would in Atikokan.

The government's feeling is very clear in that here is a community which has an excellent contract with Ontario Hydro. That contract includes many of the amenities the workers will require; it's all-inclusive. The programs are in place to assist a community like Elliot Lake. I do recognize the fact that they need some up-front money to get started. There is no question about that. I'm hopeful that will be resolved.

It's difficult to compare the problems of Elliot Lake with Atikokan or even Pickle Lake. They are of a completely different magnitude. The ministries are directly involved. They have the programs in place. The mayor, Roger Taylor, is very much aware of the route he can follow, and he is following it very aggressively. I'm sure that following the tabling of this report he will be more aggressive than ever, which is the way it should be.

**Mr. Wildman:** New Democrats are often aggressive.

**Hon. Mr. Bernier:** He doesn't brag about being a New Democrat, let's make that clear.

**Mr. Wildman:** He ran once.

**Hon. Mr. Bernier:** He doesn't mention it any more; at least not in my company though maybe in yours. He is an excellent administrator for the community; I'm sure he will be there for a long time because he has the community at heart. I think it's fair to say he knows his way around very effectively. I expect to be hearing more from the mayor in the not-too-distant future.

I say to you now that if he requires any co-ordinating responsibilities, while we don't want to take on responsibility in a lead min-

istry concept in Elliot Lake, we would be prepared to assist him of course, and he is very much aware of that.

**Mr. Bolan:** Just arising from the minister's answers to that, he says that his is not a line ministry in Elliot Lake but that he is included in discussions. In what capacity is the minister included in these discussions? He says that his presence is there. Just what is he doing there, or is his position not more redundant than anything else?

**Hon. Mr. Bernier:** Mr. Chairman, we would be included in those very early discussions with the staff, the possibility that there are some discussions or some possibility of going the DREE route as an example, the DREE route, the Ontario-DREE agreement, if there is some way we can work in. I don't think there is, but that possibility exists under our community priorities branch. There may be some special funding that Elliot Lake would require that would look to our community priority budget to fund. So if we can get that input early in the game then we know what's going on from there. The actual delivery of the services is not our responsibility.

**Mr. Martel:** Mr. Minister, I want to go back to talking about planning. There was a cabinet committee formed a couple of years ago when the Inco layoffs were announced and there were repeated efforts to get information from the Treasurer, who was named chairman of that committee, and we tried to get some information from the Premier (Mr. Davis) with respect to the study that was supposed to be conducted by that cabinet committee.

Can the minister tell me what in fact happened? Did that committee sit at all? Have they got any long-term or short-term policies for those municipalities which are effected when mining companies decide it's time to abandon the ship? I might say that both the Premier and the Treasurer have answered and I wanted to tell the minister what they have said. The Premier has indicated: "It's got to be economically enticing for industries to stay in."

**Mr. Bolan:** Viable.

**Mr. Martel:** Viable, yes. National Steel in Capreol made \$6.5 million. That isn't what we're talking about when we ask what backup policies or what policies there are when a municipality is affected by a sudden shut-down of a one-industry town. What solutions has the minister got? It isn't a case of giving the industry more money, because in the case of National Steel or the case of Inco, they were both making money and they left. Now what are the minister's short-term policies



that came out of that committee and what are the long term solutions that came out of that committee?

Don't tell me about DREE agreements for the Sudbury basin because we've already got three industrial sites in Sudbury, so that isn't going to help us. None of them is filled and none of them can attract anything. The problem of northeastern Ontario, as it is with northwestern Ontario, is that beyond extractive industries it's very difficult if not near impossible to get secondary industry to locate. While the minister always indicates that I want to use a big stick, that's not really the case at all, but his solution of handouts has not worked to bring secondary industry to the north.

What alternatives are there? The minister says: "Don't use the big stick. That's your way of doing it." What is the minister's? If he would be so kind to tell me I would know, because I have been hearing about secondary industry coming into the Sudbury basin since I was that high. We still haven't got a secondary industry. We had a commissioner in Sudbury, they finally let him go just recently because after paying his high and fancy salary for three or four years they still hadn't located anything there.

**Mr. Bolan:** What about Darcy McKeough?

**Mr. Martel:** Yes, that's right, Darcy said there would be no secondary industry in northeastern Ontario for 20 years. I want to know what policy the minister has to attract secondary industry related to the natural resources which are being exploited, and while he might say: "Well, we don't want the big stick approach," can he tell me what approach he is going to use?

**Hon. Mr. Bernier:** As the honourable member is very much aware, I believe the committee is still ongoing under a new chairman. The Minister of Natural Resources is the new chairman of that committee. I might say on this point, Mr. Chairman, that finding solutions for single-resource communities is not an easy thing. I think the honourable member will recognize that. It is not something where you sit down around a table and somebody comes up with an answer and you run off and you implement it. It's just not that easy.

[4:00]

**Mr. Bolan:** The problems didn't start today, Leo.

**Hon. Mr. Bernier:** I know and it's ongoing. I remember vividly, and I am sure there are things that will escape my memory, but the 2001 funding is an example of what came out of that committee. The people of the city

of Sudbury rallied together and I still marvel at the way they did rally together. I was pleased to see the honourable member there at the 2001 conference, standing up along with his colleagues from the Sudbury basin; cheering, applauding the Premier that night, at the university, with smiles—

**Mr. Bolan:** That was for TV.

**Mr. Martel:** That's stretching it.

**Hon. Mr. Bernier:** You recall the evening well.

**Mr. Martel:** I recall the evening well.

**Hon. Mr. Bernier:** I was there and I enjoyed every minute of it; it was a pleasant experience. It was a pleasant experience to see a very community-oriented and initiated idea get off the ground and it certainly stemmed from discussions we had in that particular committee. The transportation idea for the Miner Liner also originated in those discussions we had. We looked into the economics of it in depth. So to say that the committee just sat and did nothing is entirely wrong. In fact, since we last spoke here, at which time the possibility of improved and increased secondary manufacturing for mining equipment in northern Ontario was brought up, I have taken it upon myself to make a couple of contacts with some of the major firms in Ontario and asked the very simple, positive question which I have asked a number of times before. I get the same answer, which has to do with the tariff condition, believe it or not, the federal tariff.

**Mr. Martel:** There's no tariff.

**Hon. Mr. Bernier:** They tell me there is.

**Mr. Martel:** No, if the equipment is not produced in Canada there is no tariff.

**Hon. Mr. Bernier:** Yes, but they can produce it outside of Canada much cheaper and be more competitive than if they were producing it here. If they produced it here they wouldn't be able to compete with outside imports, so it makes it very difficult for them. They made it very clear that it is just competition on a world market situation. While Canada does have the expertise and the technical knowledge, the actual manufacturing can be done outside of Canada in other countries of the world and brought back here and sold here cheaper than we can produce it here.

It happens, I suppose, with television sets and with radios and a number of other things. It galls me, as well as members on the other side of the House. It bothers me, there's no question about that. Particularly when we mill and mine the ore here, and



refine it to a certain point. I think I should read into the record that North Bay Nugget editorial. At this point I think the member for Nipissing would like me to read into the record the Nugget editorial of May 24. He's nodding; he's concurring, I gather?

**Mr. Bolan:** Go ahead. My wife didn't write it, I can assure you of that.

**Hon. Mr. Bernier:** I have a great deal of respect for that northern Ontario newspaper. They look at things very objectively.

**Hon. Miss Stephenson:** Even when Mike's wife writes the article?

**Mr. Bolan:** That's right; she only writes them on education.

**Hon. Mr. Bernier:** There's a little weakness once in a while, but I would say the greater percentage of the time the tone and the thrust is what I think what it should be. Anyway the editorial reads as such; and if you will bear with me, Mr. Chairman, I would like to read it into the record. It's captioned "Mining Association Director Makes Some Excellent Points." Does the member recall that editorial?

**Mr. Martel:** No, I don't get the North Bay Nugget.

**Hon. Mr. Bernier:** I will read it to you then.

"Now that the election is history, we think the following opinions of Mr. John L. Bonus, managing director of the Mining Association of Canada deserve to be made known.

"Mr. Bonus commented on Ed Broadbent's views in a letter to the editor of the Toronto Globe and Mail. In view of the importance of mining in northern Ontario, we feel Mr. Bonus makes some good points as follows: Mr. Broadbent's argument is that for years we have been exploiting our resources in raw form, thus denying Canadians job opportunities which would be open to them if they processed those resources prior to export. He claims this practice is caused essentially by the large percentage of foreign control in the resource industries. With regard to mining, I offer the following observations.

"A substantial proportion of Canadian minerals are processed domestically before export or find their way into Canadian manufactured goods which are sold in Canada or exported. There are at present 16 smelters and 15 refineries operating in Canada which employ over 35,000 individuals in the further processing of raw ores. Between 60 to 70 per cent of all copper, silver and lead mined is processed into refined metal in Canada.

"Virtually all raw nickel produced in Canada is processed to some degree here at home, and 50 per cent is processed to refined metal. More than 86 per cent of the raw iron ore produced is processed to beneficiated ore that goes directly into the making of steel in Canadian steel mills. Canada's zinc-reduction capacity is the third largest in the world, and about 50 per cent of production is domestically processed to refined metal.

"Unlike the other resource sectors, non-ferrous metal mining, smelting and refining operations are approximately 70 per cent Canadian controlled. An even larger segment of the non-petroleum mineral industry is under exclusive Canadian management. More than 250,000 individual Canadians participate as direct shareholders of Canadian mining firms. In 1978, these companies paid dividends to shareholders totalling \$371 million.

"There is absolutely nothing by way of legislation or constraints preventing a Canadian entrepreneur from purchasing a Canadian-mined mineral or producing from it a processed or a manufactured article or commodity for export. If there are not enough entrepreneurs to do so, it must be because they have concluded that opportunities are just not there to be exploited.

"Why? Because most large mineral-consuming countries or markets—the United States, the European Economic Community, Japan—typically impose tariffs or some form of non-tariff barriers on processed or manufactured mineral products to protect their own industries. Most raw materials imported into these markets enter duty-free.

"Why can we not impose on such markets a condition that if they want our minerals, they will have to purchase them in processed or manufactured form? Because we have no monopoly on supply."

That's why we can't.

"Purchasers would have little difficulty in obtaining their mineral requirements elsewhere, and many new sources of supply are coming on stream. Canada can and does try to negotiate better access for its processed and manufactured goods, but her bargaining position is not all that strong."

That lays out quite clearly the fact we don't have a monopoly position in the world market situation.

**Mr. Martel:** We had the nickel monopoly for years.

**Hon. Mr. Bernier:** We are still producing just as much, but that has gone down to 30 per cent because the world is using that much more and they are getting it from



other sources. Those are the problems we have got to realize, and we have got to be practical about it. Look at yourself in the mirror and say: "This is the problem." You can't just resolve it overnight.

I say to you while there is concern with single-resource communities and we share your concerns equally, we don't really have any immediate answers at our fingertips. We do know there will always be places like Atikokan. Red Lake is still there; Geraldton is still there; Kirkland Lake is still there; they are all there. Sure they are not as large as they were before; but I can tell you one thing, that I was at Atikokan 30 years ago when they turned the first shovel of iron ore; and the people moved into that community and said: "We will be here for 30 years."

They knew it 30 years ago; and they accepted the fact. They have gone through one generation. They have built their homes; they sent their kids to university, and they have had 30 years of a good life. Now they know; and they knew 30 years ago, so there isn't the hard feeling in Atikokan you would lead us to believe. There is a new thrust in Atikokan, there is a new direction in Atikokan, and the government is there to help them.

The Hydro plant went into Atikokan. The new thrust with our lead ministry concept is working very closely with the industrial commissioner in Atikokan. New highways are being built in the area. There is the expansion of the airport and a greater emphasis on Quetico Park. All these things are happening; and they all revolve. Geraldton is a typical example. The population of Geraldton is larger today than it was when McLeod and Cockshutt was operating there, when the gold mining companies were all going great guns. Geraldton is larger today, and there is not a mine operating in Geraldton. It is a comfortable, little northern community. It has a good, strong base, and the security the community provides its people is second to none in northern Ontario.

I know the honourable member is concerned. We are concerned too. We are concerned about the forests; we are concerned about the nonrenewable resources. We are not going to stop looking for solutions—not at all. While we don't have the answers at our fingertips, I can assure him we will go on looking for those answers.

**Mr. Martel:** Mr. Chairman, the minister gets up and quotes from an article written by somebody having something to do with the mining association—

**Hon. Mr. Bernier:** The great mining authority in Canada, Mr. Bonus.

**Mr. Bolan:** I can assure you that it wasn't written by anyone at the Nugget.

**Hon. Mr. Bernier:** The Nugget had the courage to carry it.

**Mr. Martel:** Yes, the courage. The Northern Miner had the courage to carry it too, I am sure.

The minister says, "We don't have enough of it to control." What did we do when we had 95 per cent of the world's production of nickel? The Tories were in power then; I was in high school, and I can recall when the Tories came to power. We had 95 per cent up until 10 or 15 years ago.

**Hon. Mr. Bernier:** We are still producing the same amount.

**Mr. Martel:** But we had 95 per cent. What did we extract from them that would stay in Ontario and in Canada? We do not even get all the refining. At the same time, Falconbridge has yet to refine a pound of nickel in Canada, after 45 years. That area produced 95 per cent of the world's nickel. What did we bargain for? What did we get for the citizens of Ontario? What did we get for the city of Sudbury? What did we get in terms of not only refining but also some fabrication when 95 per cent of the world's nickel came from that one area? One cannot play that game today. The deck has changed; the game has changed. We still produce more, but it only represents 35 per cent. But when we had it all, what did the government do?

**Mr. Worton:** The cards have changed; not the game.

**Mr. Martel:** They change the deck whenever they want. What did the government do then? Nothing. The same pious arguments were used when I came in here 12 years ago, I say to the minister. The same silly arguments were being used then as are being used now. The minister recalls 1969 when he brought in a motion about refining in Ontario.

What have we got? We have 38 exemptions continuing with mining—38 exemptions to continue to process abroad—and we have 325,000 people in Ontario unemployed. We have had one one-industry town after another going down the pipe in those 12 years.

What have we done? I know the solution is not easy. Three years ago, when this ministry was created, I put forward a motion saying that, in the area of nonrenewable resources, part of the revenue from those extractive industries should be put into a



fund—I called it a “Tomorrow” fund, for want of a better name—so that when we did have a one-industry town where the bottom fell out we would have some capital in the bank, so to speak, to establish some other alternative for that community. The minister recalls how the vote went: It went down the tube.

Part of the problem in northern Ontario—and I spent four years on the select committee studying economic and cultural nationalism; we listened to all the businessmen, and they all said the same thing to us: “If we are a Canadian company, it is very difficult to get money from the Canadian banks.” The same business with an American owner gets a loan from a Canadian bank; a Canadian businessman owning a company, going to the bank, does not get the loan. [4:15]

A “Tomorrow” fund of some sort, taking a percentage of the tax we get on the revenue from the extraction of trees or minerals would establish a fund on which we could draw. You turned it down. That would be a long-term solution that should have come out of your committee.

In fact, virtually nothing came out of that committee. You talk about 2001.

**Hon. Mr. Bernier:** Careful.

**Mr. Martel:** Do you think that \$600,000 is going to replace 2,400 jobs at Inco and 750 jobs at Falconbridge? We all know that by the time the strike is over Inco will be where it wants to be with about 9,000 workers, which is about 2,000 fewer at the end of the layoffs. You’re not going to put opportunities for young people into northern Ontario with a cottage-type industry. It could pick up some of the slack, but surely it can’t be small, cottage-type industries that are going to resolve the massive layoffs that occur in one-industry communities like Sudbury.

I am still waiting for one of the solutions you were going to come up with. I was breathless when I heard you say that you were considering the establishment of rapid transit to Elliot Lake. I stood in this place nine years ago and said we should have centred regions where there would be only one municipality which would be served with all the infrastructure and we would move out to tap the resources. There are 800 or 900 people from Sudbury working in Elliot Lake and they don’t have any homes. Where is the rapid transit you talked about at the time of the layoffs two years ago.

**Mr. Wildman:** He says he is studying it.

**Mr. Martel:** He is going to study it to death. You had time to build it.

You’re going to have to increase the infrastructure in Elliot Lake. It’s a one-industry town too. What happens when you increase that infrastructure and that resource runs out? What do you do then? You watch those millions that you put into sewage and water treatment facilities go down the tube too? Or would you be better off going out tomorrow and driving the first spike to get a rapid transit system into Elliot Lake, which could carry those workers over to Elliot Lake in maybe an hour’s time. I am told that it is only 50 or 60 miles across country.

If we did that sort of planning and proceeded with it, one could say that we were getting over the hangup of building new towns at every mine site. There is already an infrastructure in Elliot Lake. There is a tremendous shortage of housing. I am not trying to detract from what is going on in Elliot Lake at all. I’m saying that 700, 800 or 900 of those workers probably live in Sudbury now. Let’s get a system whereby they can get to work and back and maintain their homes in Sudbury without costing us any more money except to put the transit system in.

Elliot Lake, like all mines, from the time you take the first shovelful out you are working towards the end of it. I know that and you know that. We continue to build town-sites. It is a waste of money. You are going to have to do it this time because it is simply too far away, we take that into consideration. But you have had two years to deal with the Inco layoffs and you are no further ahead with getting a rapid transit system into Elliot Lake so that we can keep those workers in Sudbury without having to start building a whole lot of stuff and see it go belly up in Sudbury.

Why is this? I would have hoped a great committee—from the deliberations of which no one can lay out what you decided—at least would make some decisions. As I stand here, I am convinced that committee has not really grappled with the problem. It has really not put down on paper what the solutions are or what are the short-term plans. When the minister says to me: “In Red Lake, they knew it was only going to last 30 years”; I asked the minister: “Who loses in that type of operation?” The only guy who loses is the average Joe. He goes in and builds his house. The mining industry, through profits and writeoffs and whatnots, gets out with money ahead. But the worker’s whole life-savings is one house



over a lifetime, unless he happens to be a lawyer. And what does he do? He can't even sell it for the going rate.

In my hometown, with 140 homes for sale right now, the bottom has dropped out. They can't commute between any mining community and Capreol to go to work, and they're not going to find work in Sudbury. It's not like Metro Toronto, where you can go somewhere else when you lose 250 jobs. You can't commute up there. The bottom drops out. The guy loses his shirt.

The mining industry never loses. The workers lose. They lose because they put a lot of money into a home, and when the bottom drops out, they get nothing, or relatively very little.

And we have no solutions. That committee didn't have short-term solutions and I don't think it's got long-term solutions. I wish the minister would produce them if he has. I wish he would bring over for us tomorrow night what it is that's the short-term policy that came out of that committee and what—

**Hon. Mr. Bernier:** I just told you.

**Mr. Martel:** Don't tell me 2001 is the short-term solution for the problems of the city of Sudbury. That's just ridiculous. It might help, but it's not the solution to 3,150 jobs from the union, and how many from management. That's the solution? You can't be serious.

Let me turn to the other one, the production of mining equipment. It took my staff six months to be able to put that together. Everywhere we phoned it was most difficult to try and get any information. We wrote to every mining company in the province about where they were purchasing most of their equipment. We got four answers from Inco, Falconbridge, Noranda, and I believe Denison. They were all discouraging.

In fact, before the select committee J. Edwin Carter from Inco said we shouldn't get into mining equipment in this part of the world because it's cyclical too.

The primary producing countries are Sweden, Germany and the United States. All of those have wages as high as Canada. The real problem is tariffs. If the equipment isn't produced in Canada it comes into Canada tariff-free. The only people who are smart enough to overcome that are the Japanese. They allow raw material in tariff-free. In fact the more you process it, the higher the tariff.

Why do they want it that way? They want jobs for their people. So they don't levy any tariffs if you just take it out.

I'm told, for example, they don't even limb trees from British Columbia anymore. They just throw them in the boat and away you go. They got around nickel. They went in

with Inco and they've established a firm in Japan which is partially owned by International Nickel to get at Indonesia.

What do we do? We can't even go into a field that's a natural for us, mining equipment. It's a natural for us because we have the internal market. We should be smart enough to set up tax policies which would encourage the purchase of Canadian-produced equipment.

But we don't do that either. We simply make a few phone calls and the company says no, it's not viable. I think it is viable. The statistics show us with a trade deficit in all mining equipment of \$1.6 billion annually. If that isn't viable for us to get involved in, there is something wrong. That is what I say when I say to the minister nobody's talking about a big stick, but this government, based on two select committee reports, should get off its backside and start to bring together the expertise that would see the development of that type of industry in Canada and in Ontario, particularly northern Ontario, where we have a school of mining, where we have the resources, where we have such a desperate need for some secondary industry. I suspect Jarvis Clark is managing to start out with some proper type of government—and I don't mean intervention, but government involvement. We might expand that a lot larger. We might encourage it. As I understand it, they primarily bring the parts in—

**Mr. Bolan:** They make everything right there.

**Mr. Martel:** Do they make the parts too? I was told not. That's good. That's what we should be moving to. That represents just what we should be going to. This government should be out there front and centre trying to encourage that whole field in northern Ontario, because everything is there. We also happen to be the only country that imports the amount of mining equipment that is imported into this country. No other country even comes close to us, yet we produce as much in mineral wealth as the United States. We don't see the Americans importing it all. They manufacture some.

We have a production capacity in mineral wealth nearly as great as the United States and we import our equipment from them. They're smarter than us. They make it there themselves. The minister says I want to use a big club, but when the private sector doesn't want to do things we in this country immediately throw our hands up in despair. Or we do what the Minister of Industry and Tourism is doing, we try to buy it in. We can't buy it in. We spent several million dollars on



a select committee, which several of the minister's colleagues were on, which said: "No, discourage that sort of thing. Encourage investment, but portfolio investment, not equity." We don't. His colleagues signed that. Maybe he should read the report some day.

**Hon. Mr. Bernier:** You wrote it.

**Mr. Martel:** I didn't write the report. My colleague, the former member for Wentworth (Mr. Deans) and I wrote it. If your seven colleagues were swung over by my persuasive arguments, and they signed the document—

**Mr. Bolan:** More power to you.

**Mr. Martel:** That's right—then I did a good job. I'm just saying that there's a field that two select committees—the last one had 18 members—identified mining equipment. My friend from Nipissing was on that select committee. There were nine of the minister's colleagues on that and they said mining equipment, because of the recital I gave last week of the reasons why. I say if the private sector says no all by itself, what's wrong with us getting involved with them and saying yes for the benefit of Canada. For the amount of mining we do, we just think it's absolutely necessary.

We might go in as a partner; we might give them some money just to be nice. We might lend them some money. We might provide grants, but we've got to start it in a large way to make a viable industry, not only for internal consumption but for export purposes, because if Sweden, with only nine million people, can become one of the leading producers in that field, Ontario is almost that big.

**Mr. Makarchuk:** No, no; Sweden is smaller.

**Mr. Martel:** I think they have nine million people though.

**Mr. Makarchuk:** Less than Ontario though.

**Mr. Martel:** Less than Ontario, so what's wrong with us?

**Mr. Laughren:** Global product mandate.

**Mr. Martel:** I want to tell the minister, before he has a bird about Sweden, there is more free enterprise in Sweden than there is in Canada. His colleagues were surprised when they learned that when we went to Sweden. What do you do anyway? You buy house insurance, fire insurance, job insurance and medical insurance. You talk about cradle to the grave, only we give it to the free enterprise system in this society, but it's protection from the cradle to the grave anyway. That's all nonsense. Those countries were able to develop, to become leaders in mining equipment and in automobiles. They export two cars—

[4:30]

**Hon. Miss Stephenson:** Three hundred years of non-participation in any kind of war certainly helped them, particularly when they could sell the instruments of war to other people.

**Mr. Martel:** Do you know what my friends at Inco were doing?

**Mr. Wildman:** Inco was selling to both sides.

**Mr. Martel:** Let me tell you how we got a refinery at Port Colborne. In 1916 we found Inco loading U-boats in New York. That's how come dear old Inco got so generous and came to Ontario and built the refinery at Port Colborne—when they finally got caught loading U-boats in the United States in 1916. Don't tell me about their great patriotism. It was non-existent.

**Hon. Miss Stephenson:** I didn't say anything about patriotism. You were asking why Sweden was able to do certain things.

**Mr. Martel:** Because government got involved with the private sector to encourage the production of mining equipment. It got automobiles, and they now export two makes. We aren't in any of that. All I'm suggesting is that if there is a way you want to help northern Ontario, the key sector is to move to a field such as mining equipment. I don't care how, just as long as we do it.

There are suggestions I made several years ago which, had we carried them out then, would have provided some of the funding to put up some of the capital in order to get it established. I said let's establish a "tomorrow" fund from the returns paid to the province from the use of our resources so we would have a bankroll when things go badly in those communities. We haven't done any of those things.

I come back to where I started. I say to the minister I have heard for the 12 years I've been here that we're going to get something in the north, and we haven't. I have heard before that we're going to get secondary industry in the north and we really have not. We have continued to exploit primarily.

When the free-enterprise system, as you like to describe it, decides it's not going there, what are the alternatives? It's not a case of a big stick. Is there no alternative where government can get involved?

You do it all the time. When you give Ford \$68 million, that's a type of involvement. Don't tell me about the big stick. All you're doing is paying for it.

**Hon. Mr. Bernier:** It wasn't \$68 million.



**Mr. Martel:** Well, the federal government gave them \$40 million and you gave them \$28 million for a total of how much? Was that government involvement?

There is only one taxpayer in this country. It doesn't matter whether it came from you or from the feds, there's only one taxpayer.

**Mr. Wildman:** The Premier himself said that today.

**Mr. Martel:** All I'm saying is that you have the strangest philosophy over there. When it doesn't suit you, you say, "Ah, but you guys want to interfere using the big stick," or, "You're interfering in the free enterprise system." But then you turn around and what do you say? You say, "Here, free enterprise, here's 68 million bucks, compliments of the people of Ontario."

**Hon. Mr. Bernier:** Why? Why did we do that?

**Mr. Martel:** I suspect because Ford threatened to go somewhere else. Sure, you think you can play the game of Russian roulette with those big companies against the United States, and I tell you you're crazy.

**Hon. Mr. Bernier:** Are you against Ford?

**Mr. Martel:** No, no; you see, it's an either-or proposition.

**Hon. Mr. Bernier:** Well you can't have it both ways.

**Mr. Martel:** Why? I would say to them, "Look, companies, we in this country have decided we're going to go a different route. We're going to put up the capital we're giving to you, but instead of taking \$68 million and giving it to Ford, we're going to plunk \$68 million into the development of a mining equipment corporation."

We'll not only have the jobs. You see, what Ford doesn't do in this country is research and development. It doesn't do any research and development in Canada; it's all done in Dearborn. We would say to our mining equipment company, "Patent rights will belong to us. Royalty fees will be paid here. Profits will be paid here. Jobs will remain here. Offshoots from your research and development will be produced here."

You can't do that with Ford, because R and D is done there; you pay service to them; royalties go there; offshoots from R and D are produced there.

Why don't we take our money and start to manufacture some of that raw material into a finished commodity for our own use here and for export purposes? One of the key areas is mining equipment. The minister's response is, "You can't have it both ways. You interfere in the free enterprise system.

You guys want to use a big stick." Yet you use all those things yourself when it's convenient. The government pumps money into the free enterprise system and calls it free enterprise; I call that socialism. If you want to be a free enterpriser, for God's sake, that's fine, but don't ask the government for a handout.

**Mr. Bolan:** Be consistent.

**Mr. Martel:** Yes, where is there free enterprise when you give dear old Ford \$68 million? That's not free enterprise; that's socialism.

**Hon. Mr. Bernier:** You want the union dues from it.

**Mr. Martel:** I get lots of union dues; oh my God, do we ever. I wish I did get the union dues the minister speaks about.

But we can't have it both ways and we've got to specialize in this country. We've got to look in certain directions where we can go and invest our money soundly where we will get all of the benefits. Ford doesn't give us that. It gives us short-term jobs. That's what 21 reports from the select committee said. We can continue to go down that road and forever we'll continue to have the same type of problems; or we can make a change, we can start to specialize and become very selective in what we produce.

Obviously, we haven't learned in the past 50 years what always happens with foreign investments. For those of us in northern Ontario it continues to be doom and gloom. The minister says no, it's all bright. His own four children have had to leave the area because they couldn't find work. They couldn't find work in northern Ontario. If they don't want to be miners or cut trees they are out. They leave town. They go to Alberta. Is that where they have gone?

**Hon. Mr. Bernier:** They got married and their husbands carried them off.

**Mr. Martel:** Their husbands couldn't find jobs. Their husbands probably came to northern Ontario in the first place and couldn't stay there because there's nothing beyond extraction. There's nothing for women, and the minister has no plans, unfortunately.

The Toronto-centred region sums it all up. Do you recall that? The Toronto-centred region created a great fanfare in the House here. They called a meeting down at the Ontario Science Centre. John Robarts was there and all the cabinet ministers were there. They unfolded what was called the Toronto-centred region plan. I recall one sentence on page four. It sunk in here. It



said: "The Toronto-centred region plan: Northern Ontario will continue to be the source of raw material for the megalopolis between Chicago, Toronto and New York." That's what it was in 1969. That's what it was according to Darcy McKeough in the last provincial election. That's what it continues to be today. Under this government that's what it will continue to be for northern Ontario.

**Hon. Mr. Bernier:** We've been through this on many occasions.

**Mr. Martel:** Nothing changes.

**Hon. Mr. Bernier:** Yes, a lot of things have changed in northern Ontario, which the member very conveniently forgets or ignores. He doesn't want to mention the things that are happening up there. As I mentioned before, when I first came here I heard exactly that kind of a speech when I was a back-bencher.

**Mr. Martel:** Where are your children?

**Hon. Mr. Bernier:** In Canada.

**Mr. Martel:** Where?

**Hon. Mr. Bernier:** Enjoying life.

**Mr. Martel:** Why did they have to leave northern Ontario?

**Hon. Mr. Bernier:** Because they got married and got carted away by their husbands, if you want to know the truth. If their husbands are from Alberta what can I do? They are living on a farm raising cattle.

**Mr. Martel:** They couldn't find a job in northern Ontario.

**Hon. Mr. Bernier:** They come back on a pretty regular basis.

**Mr. Martel:** That's all they can do.

**Hon. Mr. Bernier:** They are out there enjoying the good things that the province of Alberta has to offer, not in the oil fields but in the cattle-raising business. The member for Sudbury East lives in a never-never land really. He's got blinkers on. He just won't face up to the realities of society and of the world the way it operates.

**Mr. Martel:** In Sudbury, 3,500 people are laid off.

**Hon. Mr. Bernier:** He'd like to box himself into a little wee area of Ontario and Canada and say we're going to do this and that and to hell with the rest of the world. That's the attitude, providing we do what we want to do. It doesn't work that way.

**Mr. Young:** The rest of the world operates the way Mr. Martel said it does.

**Hon. Mr. Bernier:** It doesn't work that way. There are no restrictions. There are no laws

to stop anybody from getting into the manufacture of mining equipment in this province, in this country. There is nothing to stop anybody. We have got entrepreneurs in this country who will do everything, and will build everything from a shovel to a locomotive to an articulated bus. The entrepreneurs are there. Now there is something wrong.

**Mr. Martel:** There isn't a diesel motor produced in Canada.

**Hon. Mr. Bernier:** Well they are manufactured—they are assembled here.

**Mr. Martel:** There is not a diesel motor produced in Canada.

**Hon. Mr. Bernier:** Well maybe not a motor specifically; but there may be something wrong if there isn't, the economics are not there to justify it. There must be something wrong because I have great faith in the free enterprise system, to the extent that if there is a dollar to be exploited, they will manufacture something here and exploit that buck for the benefit of our people. I'm sure they will, but there is an exchange to which to relate.

**Mr. Martel:** Why have we got a deficit of \$1.6 billion in mining equipment?

**Hon. Mr. Bernier:** That deficit will be changed.

**Mr. Martel:** When?

**Hon. Mr. Bernier:** It started on May 22. There will be a turnaround. If we are around here four of five years from now I will bring to the honourable member's attention the fact things have changed. The item to which you referred, tariffs, may well be changed also, but the free enterprise spirit is alive and well and booming. It brought us as a nation 112 years of good solid type of development and a standard of living that's second to none in the world. It's there.

**Mr. Martel:** It's about eighth.

**Hon. Mr. Bernier:** Ah no; the socialists say eighth but they always like to say that. They like to compare us with those lower ones—

**Mr. Wildman:** The Senate of Canada says eighth.

**Hon. Mr. Bernier:** —but I am satisfied we are up in the twos and threes. I certainly will rest my faith in the free enterprise system.

**Mr. Young:** You close your eyes to the facts.

**Hon. Mr. Bernier:** When it can be proven economically sound and of course profitable—and there's nothing wrong with the word "profit" as far as I am concerned; if there is a profit to be made in the manufacture of the product then we will see some develop-



ment in that line. As I said earlier, we don't have an immediate and magic answer for the single-resource communities. I don't think any of you people over there have any answers. If you do, come forward with them.

**Mr. Martel:** I did. I moved one a few years ago and you let it go.

**Hon. Mr. Bernier:** I know, the "tomorrow" fund; that hairy-scary plan, the "tomorrow" fund. Nobody has accepted it.

**Mr. Martel:** Peter Lougheed has a Heritage Fund worth \$4 billion.

**Hon. Mr. Bernier:** If we had the wealth the province of Alberta has I am sure—

**Mr. Martel:** We had it; we just blew it.

**Hon. Mr. Bernier:** It is all our wealth. It is the province of Ontario's wealth that's out there in that Heritage Fund, \$4.3 billion—

**Mr. Young:** We had it for 30 or 50 years and you did nothing with it.

**Hon. Mr. Bernier:** —for which the province of Ontario has paid.

**Mr. Martel:** Ayatollah Lougheed.

**Hon. Mr. Bernier:** I appreciate constructive criticism, and certainly if the honourable members have something positive we can look at we would be glad to review it.

**Mr. Martel:** What's wrong with a fund from the taxes on the resource sector and putting it away?

**Hon. Mr. Bernier:** I am not here to debate the "tomorrow" fund; I just think it's a funny money plan.

**Mr. Martel:** A funny money plan?

**Hon. Mr. Bernier:** Yes, funny money; some-think like the Social Credit would come out with.

**Mr. Martel:** What's the difference between a Socred and a Tory?

**Mr. Bolan:** They have more money out there.

**Hon. Mr. Bernier:** Oh there is a little difference, a little financial difference there. It's a kind of a funny money thing.

Nevertheless, Mr. Chairman, the northern communities, the single-resource communities are there. Sure some of them are going through some readjustment periods. I will grant that, but I will say to you now, and I will say it again, that there will always be an Atikokan; there will always be a Geraldton and Kirkland Lake. There will be the Red Lakes; and there will be the Pickle Lakes. Certainly this government will be there to listen to any constructive ideas that may come forward from all sides of the House that can answer this very serious problem.

It applies not only in the province of Ontario. There are problems in the province of Quebec. You go to Saskatchewan and they have their problems in northern Saskatchewan too, and they haven't come up with any answers. They have no answers in Saskatchewan. I have been there on many occasions.

[4:45]

Go to the province of Alberta. What are they paying a gallon in northern Alberta? A dollar and twenty cents a gallon in northern Alberta; the same price we are paying in northern Ontario. They have problems there too that they have not resolved, so don't say all the problems are in northern Ontario.

**Mr. Bolan:** I would just like to make a few remarks with respect to the one-industry communities which we have in northern Ontario and what I feel is the obligation of the state, the obligation of government, towards these one-industry communities. These, of course, are born out of the fact that in northern Ontario we do have the natural resources out of which these communities are created. Let's take, for example, Elliot Lake. What you have there is a massive investment, not only on the part of free enterprise, but also on the part of the state, on the part of society, in the form of literally—in Elliot Lake—millions of tax dollars which are put into the services.

I speak of the sewage treatment plants, I speak of the sidewalks, I speak of the highways, I speak of the schools, I speak of the municipal buildings—all of those things which grow up into making a community, and to me there is a responsibility on the part of the state to protect that investment, because really you do have an investment in these communities, and that investment is in the form of hard dollars and cents which come from the taxpayer and have gone in to put in the services.

Unless you have some kind of plan, looking 25 or 30 years down the line, or whatever the life expectancy is of that particular community, then I think that you really are not doing service to your investment and that you are not protecting your investment. As the state grows, as the province develops, there is an obligation on the government to see to it that when there comes a time for relocation of an industry, or when there comes a time for the creation of a new industry in the province, or if an investor or a manufacturer comes in and says: "We have a plan here which is going to require a certain size of community, a certain number of people, which can do it as required," then I think there is an obligation on the part of



the province to see to it that these are directed towards these one-industry communities.

As I say, if you are going to spend millions of dollars in these areas without having some kind of ongoing contingency plan to come to these communities and to make room for the infusion of labour, for the infusion of other capital, then you really are not hedging your bet, and really your bet is people.

Whether you know this or not, Mr. Minister, there has been a continual drain of our young people from northern Ontario, and I don't blame them, because there is not much going for them in northern Ontario. You cite your own family as an example. My two oldest ones are no longer in northern Ontario; there is nothing there for them. As the member for Sudbury East says, unless you are a miner, or you cut trees, or you are a professional, there really is not that much to attract or to keep a young person in northern Ontario, and once we have lost our youth we have lost the battle.

While I am on that, I might also say of the quotation made by the member for Sudbury East about northern Ontario being the supplier of the area from Chicago, that is what is called the hinterland theory. That is a well-espoused theory which I think has probably been practised better in Ontario than in any other region. It is a theory which is accepted by many governments. The theory is that the area up here, the hinterland, is the resource pool from which everything is drawn to feed the large growth areas at the bottom.

I remember speaking about this to an economist last year, a chap from Sudbury. I said, "Surely there is something which can be done to get away from this hinterland theory. Certainly there is something which can be done by governments to try to do something for these areas which are more or less designated as hinterland." In his opinion the horse was out of the barn. There was nothing which could be done unless steps were taken immediately. Even then we are looking at 15 or 20 years down the line.

It is very discouraging. I am sure the minister must find this discouraging himself. I have said this before, I am going to say it again—I think everybody in the House has said it at one time or another over the past two years. It is very discouraging to hear a minister of the crown, a former Treasurer, say for all intents and purposes he was not interested in the growth and development of secondary industry in northern Ontario. Even the minister must find that very disturbing. I know I find it very disturbing because it

seems to be a reaffirmation of the hinterland theory.

If that is going to be the policy and that is going to be followed, then on these very expensive projects, these expensive communities into which we have put millions of dollars, we simply have to accept the ghost-town theory, which to me is a natural flow from the hinterland theory. That is really the type of thing that has been going on, as the minister knows himself, in this province.

I do not think anybody purposely sits down and designs a ghost town. I think that some place down the line they expect a miracle will happen.

**Hon. Mr. Bernier:** Show me a ghost town in northern Ontario.

**Mr. Bolan:** Cobalt.

**Hon. Mr. Bernier:** It's not a ghost town. Come on!

**Mr. Bolan:** Yes, Cobalt is. I come from Cobalt and I can tell the minister right now—

**Hon. Mr. Bernier:** Tell the people of Cobalt that.

**Mr. Bolan:** They know it too. I can tell the minister right now that one can see what happened there and what happened in many of the other mining communities in northern Ontario.

What concerns me more than anything else, even today, is the attitude which the minister seems to be taking towards the one-industry towns. The minister thinks Conference 2001 is the answer to everything. I certainly haven't seen anything positive or anything really constructive come from that. I really think it is incumbent upon our government to see to it that proper measures are taken to induce other industries to open in these one-industry towns.

I am not going to be repetitive and say everything which the member for Sudbury East said about the mining industry or about mining equipment but it is an example of what can be done if the need is identified. He mentioned a company in North Bay, Jarvis Clark, as a typical example of two young men getting together and saying, "We feel there is a need for a particular kind of mining equipment." As the member knows, this really revolutionized extraction in mines—the scoop tram and the jumbos and other equipment which flowed from that.

The fact remains that was a good example of free enterprise identifying a market. They did it, incidentally, without one cent of government money. They have gone through some expansionary programs now which have required funding from the De-



partment of Regional Economic Expansion, but the initial program was strictly on their own.

**Hon. Mr. Bernier:** Because the investment climate was there.

**Mr. Bolan:** Yes. But with the world market being what it is today, in areas such as mining equipment, logging equipment and pulp and paper equipment, there is no reason why we can't get on the bandwagon. There is no reason we can't start doing those things today that are going to give us some benefits, not three or five years from now, but 10 or 15 years from now. That's how we are going to protect our one-industry towns. We have to give them something other than what they have now; otherwise, we are going to see their decline.

Going back to what I said earlier, we are also going to see a decline in the population. The population in northern Ontario has been going down. The population of North Bay is down something like 2,000 over the past while. I was reading the ministry's directory of organized and unorganized communities in northern Ontario. It shows the population of North Bay at about 47,000, whereas the signs on the approaches to the city still have the old census figure of 50,000. That is a worrisome thing, because that area is not a one-industry town. If there is any area in northern Ontario that is diversified, it is North Bay. I am sure the minister is aware of that. When we look at all the various industries there, it is really quite a tribute in that sense to northern Ontario. It is an example of what can be done. But, in spite of this, we still have this frightening prospect of a dwindling population.

I am not saying there are any magical solutions to this problem. I have to agree with the minister when he says that it is a very difficult problem, without any quick cure. But what a government should do is to take not just a short-term approach, but a long-term approach. In that way, while there still is health in many of these communities, we can start looking at other areas and at other industries which would blend in with whatever a particular community is developing. I would hope that 20 or 30 years from now we would be able to say that the population was going up; there was more stability. Isn't that what it really is all about: trying to bring into northern Ontario a more equitable system?

**Hon. Mr. Bernier:** Mr. Chairman, I appreciate the member's comments. I know his concern for single-resource communities is sincere. It is one that we all share, and I think we are all trying to find solutions.

I can't help but think of the government's desire to do certain things for certain communities in northern Ontario. We stand up in this Legislature on many occasions and say we want a broader economic base for many of these communities; we want more job opportunities in more of these communities; the north needs this type of recognition and all kinds of opportunities.

But what happens when the government does do something? For instance, the Hydro plant at Atikokan is a typical example; that is a \$500-million development, and the opposition came from the community. The city of Thunder Bay opposed it, much to my surprise and shock. I almost fell off my chair when I heard that the council of Thunder Bay had opposed the development of that Hydro plant which would provide 250 to 300 jobs on an ongoing basis.

In Red Lake, a single-industry community, we had the Reed Paper proposal for a \$400-million pulp and paper development in the Ear Falls-Red Lake area that those 6,000 people had been waiting for for 20 years; they had been promised it for 20 years. The renewable resources are there. We had a proposal for the government to look at. It was just a proposal, just a memorandum of understanding, that the government would look at. What did the socialists do?

[5:00]

**Mr. Wildman:** There was a question about whether or not they were renewable.

**Hon. Mr. Bernier:** They didn't say let's have a look at it. That's all the government wanted to do, to see if it would support an industry of that size. The Liberal Party wasn't that far behind the socialists, believe me. They were waffling because there were some political marks to make. The government had the courage to move ahead and work out a memorandum of understanding to look at 19,000 square miles in the hope that there were sufficient renewable resources. If there weren't there would be a paring back on that proposal, that was the clear understanding.

All the environmental concerns would be looked after. All the economic concerns would be on the table to look at; everybody would have an opportunity. But the political pressure that came from this Legislature against that proposal, as you all recall, was horrendous.

Minaki is a typical example. There are 200 or 300 people there living off one industry, tourism. Minaki Lodge is a fantastic development. The original development was proceeded with by the CNR back in 1926. It was going on for years. It was something of a



landmark in northwestern Ontario. The government became involved, I suppose you might say through the back door, not through the front door, because we had an NODC loan that we had to foreclose on. Rather than lose that and see the lodge go down the drain and lose the economic impetus that would be gained from the further development and expansion of that lodge, the government stepped in. The reaction we got from members of this Legislature was that it's a white elephant. They were not worried about the 250 jobs it will have on a year-round basis.

**Mr. Wildman:** Have you got an agreement yet?

**Hon. Mr. Bernier:** They said it's wrong for northern Ontario. Now they sit there and tell me we should have a diversified economy.

**Mr. Wildman:** You haven't got an agreement yet.

**Hon. Mr. Bernier:** We have a diversified economy, and we want more industry. My God, the government is trying. We're coming forward with proposals. I would love you to get on the bandwagon and say let's get on with the job; let's support this proposal. It would create jobs; it would use the resources of northern Ontario for the benefit of northerners. But we didn't get that reaction.

Do you remember Maple Mountain? Do you remember how the member for Timiskaming (Mr. Havrot) pleaded with this Legislature to get on with the Maple Mountain and how we got laughed out because it was a pie in the sky? He talked about an Ontario Place in the north. You shot down that one. Do you remember King Mountain?

**Mr. Wildman:** I was going to ask you about that one.

**Hon. Mr. Bernier:** King Mountain was another one. I hope you're not against King Mountain.

**Mr. Wildman:** I've never been there.

**Hon. Mr. Bernier:** Great, I love to hear that, that's the kind of enthusiasm I love. It's needed up there. I think with those kinds of words we can get on with the job of doing things for northern Ontario.

I remember Old Fort William; how the Globe and Mail took after us about Old Fort William and how the public accounts committee reviewed every invoice—which is right; I'm not saying it's wrong, I think they should. All those government things should be looked at very carefully. But consider the hoops we have to go through, instead of having members opposite jumping on the bandwagon to say this is a good thing for northern Ontario as it will provide jobs and it will use the resources we have. I don't think we can go

out tomorrow and get the Ford Motor Company to establish up in Red Lake, much as I'd like to. But there are other things we can do up there by using the natural resources that are there. That's what we're proposing to do.

When we come forward with these suggestions, don't pooh-pooh the idea.

**Mr. Wildman:** What about fabricating those resources?

**Hon. Mr. Bernier:** Don't look for political marks up north. Get on the bandwagon and say this is a positive thing. There are jobs up there and there are people up there. Tell them, don't tell me down here and play to the southern Ontario media. Go up there and tell them and see what they say.

You know what happened at Minaki. You know what happened to the Reed Paper proposal. The reaction up there was totally different from what it was down here. Things are different there.

I plead with the members from northern Ontario, when we do come forward with positive suggestions that will improve the economic life and improve the economic base of these communities to join with us. Join with us and say that this is something that makes sense. Let's get on with the job of improving northern Ontario; together we can do it.

**Mr. Wildman:** I want to respond to a couple of things the minister has just said. First, it seems to me that he misses the point that was being made by my colleague from Sudbury East that as long as we just—and I underline the word "just"—depend on the extraction and exportation of our natural resources, we're also exporting jobs. Once those resources, if they are non-renewable, run out or if they are renewable resources which we don't take care to renew at an adequate rate, once they run out, then there are no more jobs.

The minister and his colleague, the Minister of Education, asked if there were any ghost towns in northern Ontario. I can give you some examples.

Two years ago I was invited to go to Goudreau. I don't know whether the minister has ever heard of Goudreau. He probably hasn't because it's a ghost town.

Goudreau is about 13 miles north of Hawk Junction on the ACR line in my riding. There are six people living in Goudreau now and they are the ACR section gang. But Goudreau, in 1910, had 3,000 people.

The reason I was invited to go there was because there are a number of abandoned iron ore pits, old mining operations, that are



now filled up with water. They appeared to be leaching out into the Hawk river system and were poisoning the fish. I was asked to go in by the head of the section gang, a Mr. Smedts, who lives there and has lived there for 20 some years. I went in.

The only way you can get into Goudreau is by train from Hawk. One goes up one way one day and back the next. I went in and stayed overnight at the Smedts' place. There is an old hotel there too—well, it's burned down now but there used to be a hotel there—and there are about four or five houses and a station. That's it.

When we went to go to look at the pits we got into Mr. Smedts' old truck; a very large four-wheel-drive truck. He has a great big bumper on the front of it. The purpose of the bumper, apparently, is so that he can drive through the bush without having to avoid the trees, but we took off and we drove down what was apparently, at one time, a street. It was covered with small trees—we knocked down a number of them, I'm afraid. We drove through what had been a town. There were foundations all over the place. There had been 3,000 people there prior to the First World War.

You ask me where there are ghost towns? Goudreau is an example of what happens when a resource runs out and when there is no forward planning as to what is going to be done to ensure that those people have a viable choice, other than just leaving, and leaving everything behind, which is what happened there.

Today that doesn't happen in the same way because we have a number of social programs that have replaced that. We have things like unemployment insurance. We have welfare, and so on, that help tide people over. In those days, if you didn't leave immediately you starved unless you could get by by hunting. It may not be as blatant today, but the same kinds of things happen.

I think, too, of other communities in my riding. I think of Blind River, for instance. Blind River is by no means a ghost town. It's a vibrant community. It's dependent on tourism and government ministries. It has a large number of people now commuting to Elliot Lake to work in the mines there. But at one time it was one of the largest lumber operations in North America. What happened? That resource, the white pine, was decimated. It was shipped out—mostly to the Boston area at that time. Then, of course, they had the Mississagi fire.

Nothing remains of that lumber operation. We have a small veneer operation going

there, but its future is doubtful, according to the Ministry of Natural Resources, in terms of more than seven years. That again is the kind of example we can point to.

As a matter of fact, there are the Dubreuil brothers—I know the minister knows the Dubreuils. They are a very hardworking group of men who have a lumber operation and sawmill operation in northern Ontario—chips and so on. But their history is an example of the vagabond approach that in the past has been the history of northern Ontario, moving from one area to another as needed, and taking with them a large number of people who have stayed with them for a long period of time. Now they've established a community which is called Dubreuilville, which is a more permanent community and which they are trying to make permanent, and which is developing into a municipality. In the past, that hasn't been the case. They used to be at Magpie. They went to Magpie first and then they shifted.

You could even look at a community in my riding which might be considered the most prosperous of all the communities in my riding—I'm not including Sault Ste. Marie, of course, because that isn't in my riding, although a large number of people in the environs of that community live in my riding and commute back and forth. But if you look at my riding itself the most prosperous community is probably Wawa. It's the largest community. In terms of southern Ontario, it's not a very big community. It only has 5,000 people.

When you look at Wawa, it's really just a resource-based community. The main reason, the real reason, for Wawa is the iron ore. Algoma Ore first started out and had pits at Goudreau at one time, which they developed, and then they had the Helen Mine. What happens to Wawa when the iron ore is finished? They used to have a gold mine up there. It's gone. It's not in operation.

They also have tourism in Wawa, a large amount of tourism, largely because of the Trans-Canada Highway, but it's a resource-based industry as well. The minister knows the problems we are facing in northeastern Ontario right now with the lower numbers of fish being caught and the problems of game management as more and more areas become more readily accessible. What happens to the jobs in tourism, unless we are able to adapt tourism in some way so that it isn't so dependent on wild life in northern Ontario?

Even a very vibrant and prosperous community like Wawa is really facing hard



times in the future unless there are further developments. When you look at it in terms of tourism and when you look at the problem of acid rain, unless the federal government and the American government as well as the provincial government get involved in solving that problem, we are going to have even more serious problems for tourism in northern Ontario.

**Mr. Young:** If the gas prices go up, you'll have still more problems.

**Mr. Wildman:** Yes, gas prices have already lowered the number of tourists in our area in the past.

Look at another community in my riding, which I have mentioned twice already in these estimates and I haven't had an answer from the minister yet about it, and that is Missanabie. Missanabie is a very old community. It was established first by the Hudson's Bay Company. It was a trading area. Then the Canadian Pacific Railway went through there and established a community there, and it was a railway community. Then they got into lumbering, and now there is tourism as well.

If that lumber mill becomes a less viable operation, is sold or is burned down, what happens to it? I would be interested to know what this ministry is doing about Missanabie, and I have asked that before during these estimates. Are the new owners, Lafreniere from Chapleau, going to re-establish a mill in Missanabie, or are they going to build in Chapleau, as a Ministry of Industry and Tourism official indicated to one of my assistants last week? If that happens, what happens to Missanabie? Or, is it important to this government for that community and those residents to continue there?

The minister really misses the whole point. The point is that we are not opposed to resource development in northern Ontario, but we want coupled with it the processing of those resources and the fabrication, because that is where the jobs are. There are more jobs in manufacturing than there are in resource extraction. The Americans understand it, the Europeans understand it and the Japanese understand it. The Japanese have one of the best economies in the world and they don't have any resources, because they import our resources and they import resources from the third world.

Our whole approach to development in northern Ontario and Ontario in general, and Canada for that matter, has tended to be the development that is characteristic of the third world. We need capital and we want a higher standard of living, so what do we do? We take the short route to it by ex-

porting our resources and exporting along with that all the manufacturing jobs that result from them.

[5:15]

Some other countries haven't taken that route, and they have paid the price, I'll admit. They have a lower standard of living. Look at Mexico; Mexico now faces the possibility of improving its situation and improving its standard of living because of the oil finds, but it's been a long time in developing. I'll admit that, but I don't see any will on the part of this government or of the government in Ottawa, of whatever political stripe, to try to turn that situation around.

The minister asked me if there were any ghost towns in northern Ontario. There are. There are other communities which are political ghost towns. Nowadays we don't have ghost towns where everything becomes vacant. What happens is, we end up with people on welfare; we end up with people surviving from hand to mouth on seasonal jobs. Frankly, I think that's another kind of ghost town. What we need is viable industry.

The minister mentions things like Minaki. Minaki is just another resource industry, as the minister himself says. He indicates that the opposition was responsible in some way for the problems of Minaki. The fact is that the government got involved because the entrepreneur who was involved was in trouble. The government itself is having trouble right now—and has had in unloading Minaki. To say that when we criticize the government for investing the amount of money they did there, in terms of asking what viable future there is for Minaki, ignores that.

As a matter of fact, I have a letter from the Minister of Industry and Tourism (Mr. Grossman), dated March 21. He starts off by saying: "The negotiations between the board of directors of Minaki Lodge and the potential private-sector operators are confidential." But he goes on to say: "The board informs me they are presently negotiating three agreements with the private sector. They include technical services, management and reservation referrals."

"No doubt you have read of Fred Boyer's appointment as president and chief operating executive of the company. I think that's an indication of how close we believe we are to final agreements." For more than a year the minister has been giving me that kind of reply when I try to find out what's happening with Minaki.

Is the government close to any kind of an agreement? Is it a viable operation? If the



minister can show it's a viable operation, he won't run into the kind of criticism he has been complaining about. But to pour money in without any assurance that there's going to be a return on that, even in terms of ongoing jobs, is not an adequate response from this government.

I wonder also, when the minister mentions Maple Mountain and King Mountain in the same breath, whether he thinks they are equivalent operations and proposals.

**Hon. Mr. Bernier:** They sound the same.

**Mr. Wildman:** Yes, they sound the same. That's another interesting point, about King Mountain. Last fall we had a statement saying that we would have some kind of indication in the near future about King Mountain. Then in January, I asked what was happening and was told I'd hear in the near future. We haven't had any announcement yet. Is that a viable operation? Is it going to go ahead? How does it relate to the other proposals in the area, by the private sector? Just north of that, there's a major proposal by a consortium involving both Canadian and foreign investors. How is it related? What is the role of the ministry in that?

We've got to get serious here. It's nice to trade rhetoric back and forth, but we have major problems if we remain solely dependent upon resource industries, whether it be extraction through mining or lumbering or, for that matter, just tourism. They are all resource-based and eventually, unless we change the patterns we are facing now, we're not going to have the kinds of resources we have in northern Ontario. Unless we replace them with something, we're going to have major problems. That's what we're saying over here, and I'm looking for some kind of positive response from the government.

**Hon. Mr. Bernier:** Mr. Chairman, I don't know if I can add anything further to what I have already said. Sure, it's great to have secondary manufacturing. The Missanabies, the Savant Lakes, the Minakis; I think it is fair to say will never see secondary manufacturing. Hopefully, the Sudburys, Timmins', Sault Ste. Maries, North Bays, Thunder Bays, Kenoras and the Drydens will. I think that's where any secondary manufacturing is going to be. We certainly can't stand in our places, any one of us, and say we are going to save all the Missanabies or the Hudsons or the Savant Lakes or the Armstrongs—these types of places.

My old home town of Hudson is a typical example. I suppose the community shouldn't even exist. It was established back in 1929 during the gold rush days. That's when my

father came to Red Lake. He moved down to Hudson and went into business for himself. On a part-time basis he set up a general store. The other part-time job was a steel helmet diver. That's what brought him to that country, working on the Hydro dams doing underwater work. He also worked in Montreal harbour on ocean-going vessels. Later he went into business on his own and contracted out. They were bringing out the iron ore concentrates by tractor train and by scow, and the gold bricks by aeroplane at that time. Invariably there were losses that would occur and he would go down and salvage them.

He did that for years. He did it very well. In fact we never felt the depression back in Hudson. I remember the depression and we never felt it, because my father was doing so well during the gold rush days.

Hudson was built up as a transportation community because we were the last jumping-off place on steel to the Red Lake area. The freight would come into Hudson on the railway to be transported north to Pickle Lake and to Red Lake by tractor train, by barge and by aircraft. In fact in 1939, you will be interested to know there was more air freight moved out of Hudson going to those two mining communities than there was from the international airport in Chicago.

But the road came. They built a road into Red Lake, they built a road into Pickle Lake. That should have been the end of Hudson. Eight hundred people should have packed their bags and moved on. They had been there something like 20 or 25 years then. The transportation industry had gone, the docks were all left but all the barges were moved out. The office spaces on the waterfront were moved. The big cranes were pulled down. It was a sad sight.

But the point I am trying to make is the guts and the courage of the local people were still there. Four of them banded together and said: "Hudson is not going to die. We are going to make sure of that." The four of them pooled their resources, came down here and met with the government and said: "Look, we are prepared to go into the saw-mill business. We need some timber resources." My father was one of those men who had pooled resources as a consortium. The government gave them a timber limit and they went back to Hudson and established a mill. The mill is still operating today and there are 350 people working there on a year-round basis and they want to expand.

It's that kind of initiative, that kind of entrepreneurship, that we have in northern Ontario. Sure it's using those resources. I



grant it, but it's still providing those jobs and those jobs are good for another 30 or 40 years from the resources we have in that area. Hudson should have been gone. It should have been wiped off the map right after the Second World War.

I don't have the answers for every community in northern Ontario. We are not going to relax our efforts one bit in trying to encourage development and secondary manufacturing in that area. The development and employment project, the one the Treasurer (Mr. F. S. Miller) is chairing along with the Minister of Industry and Tourism, is directed specifically at encouraging new manufacturing and job opportunities across this province. I am confident we will see some action in northern Ontario with regard to that.

But there are limitations, we know, because of our great distances and our small populations. Some 90 per cent of the land mass is north of the French River but only 10 per cent of the people, 900,000 people. What's the population of London, Ontario? It has got to be close to a million. The population of Kitchener and London is equivalent to the whole of northern Ontario.

The odds are stacked against us as northerners. It's true we have the resources, but we have a couple of problems with it. One of them is the lack of population and the other is the great distances. We have to accept that and meet that challenge, knowing those problems are before us. So while I welcome the member's input, I certainly will not let it go to gather dust in the Hansard papers; I will read it and my staff will read it, because it does give us food for thought.

**Mr. Wildman:** In regard to what we have been discussing, can the minister indicate what is happening with the proposal by the chambers of commerce of northwestern Ontario? In this proposal, made to the provincial cabinet in December I believe, for the formation of a study group for the development of an industrial strategy for that area, they were looking for \$112,000 for a two-year program. I understand, in the words of Mr. Jobbitt, one of their spokesman who is quoted in the article I am reading here, that:

"The north has been inundated with consultants being flown into our area from centres other than northwestern Ontario, and while we recognize the expertise of consultants must be utilized from time to time, we feel that one must live in the environment to understand its needs and potential and to properly appreciate it."

I understand that at that time the Premier (Mr. Davis) was unable to commit himself

that the government would fund such a study. The Minister of Northern Affairs indicated he would look at it and discuss it with his cabinet colleagues, in the hope that something could come early in the spring.

I understand that the chambers of commerce were concerned not only with encouraging new investment but retaining the existing businesses that are already in operation there. I wonder if the minister could indicate what is happening with that.

At one point I think he said he was going to give us some indication of what success he could point to in terms of the Manitoulin economic development committee. In relation to that, I would be interested in an update on what Dr. Lupton, of the ministry staff in Sudbury, has been able to come up with in terms of the North Shore Development Association and any proposal by the ministry to assist the communities in those areas in trying to bring about an industrial strategy to produce some kind of secondary industry and service industries for those areas.

**Hon. Mr. Bernier:** Yes, I would be glad to report on the progress we are making with regard to input from northwestern Ontario.

If I could just go back a few steps and relate to the members the issue we are discussing. It refers to the establishment some time ago of the development councils, and I think there were eight or nine across northern Ontario. It is fair to say the ones in northwestern and northeastern Ontario were the most active, the most aggressive and the most productive right across the province in providing information and in being a watchdog, a group that would provide input to the planning process. But other areas of the province were not as efficient, as effective or as productive, so the Treasurer of the day felt very strongly that they had outlived their usefulness and he abandoned them completely.

In the period that followed the new Treasurer, who had responsibility for planning, established what we call the municipal advisory committees the MACs. We have one in the northeast and one in the northwest. He felt very strongly at that time, and I think it is fair to say that I shared his view, that if we are going to get a group involved in the strategic industrial planning for a specific region and getting some very valuable, constructive and responsible input, it should come from the elected representatives of the area rather than from the various pressure groups, lobbyists if you will, which had a variety of interests.



[5:30]

He felt a municipal politician, who had to go back to his electorate every two years, should interface with the politicians here at Queen's Park. I think the idea has some merit, there is no question. It still has merit. In my meetings with the municipal advisory committees there has been a rapport, a sharing of the ideas. They do not burden the government with wild-eyed plans and proposals, knowing full well they as politicians will have to share some of that responsibility. So it has some benefits in that regard.

I think it is fair to say that both municipal advisory committees are working very effectively right now in the northeast and northwest. In the northeast we have already established the location of the executive director, who will be in Sault Ste. Marie adjacent to the office of the assistant deputy minister, Herb Aiken. I think the office space has been allocated and the furniture has been purchased. The advisory committee executive is now working on the selection of an executive director. It will be in essence their executive director; he will be their man, working very closely with the Ministry of Northern Affairs because that is the interface as it was spelled out by the government.

In the northwest we have a similar situation taking place. The MAC approach has come a long way in the last three or four years. There was that parochial problem where Thunder Bay seemed to overshadow all the other little communities with regard to their input and attitudes, but that has changed. I think the whole MAC arrangement now is looking at the needs of the region, be it social or economic or transportation or whatever. They are looking at the overall region; which of course makes it much easier to deal with. So we have that in place and in step and moving ahead. They will have an office established in northwestern Ontario.

What we see on the other hand is the remnants of the old Northwest Ontario Development Council, which was headed up by that very able gentleman, the late Lackey Phillips. He had done a tremendous job but he reported principally to a mix of people, some in the municipal field, some in the chamber of commerce group. I don't think there were any labour people or native people involved; I don't think the unorganized communities were involved. Principally it was the chambers of commerce—the Northwestern Ontario Associated Chambers of Commerce—and the municipal organizations.

Since the establishment of MAC I think it is fair to say those other groups—the chambers of commerce, the labour unions, the native people and the unorganized communities association—have felt outside the input process. They want to provide input, as most northerners do. They have come forward and asked, "Is there some way we can give some input, that we can give our expertise and our ideas?" They claim—and I am not here to argue or debate it—that municipal politicians have certain biases with regard to their job, to their outlook; and maybe they do not have the expertise that a member of the chamber of commerce or a member of a labour union would have, or a member of the native community or a member of the unorganized communities would have; that expertise or that input or that attitude would not be there unless it came through from the other direction.

They have asked us, and they have asked the Premier, if there is some way they could work with the MAC, outside of the MAC in some vehicle through which they could be formally recognized. We do not have an answer. I went to the northern Ontario municipal association and laid it right on their doorstep. I said: "We have to hear those people. There are groups out there that want an input. They have some valuable contribution to make, in a number of different fields. I feel obligated to find a way to get that input and to get that co-operation."

I have asked them to sit down and share with me some ideas. Just recently I have written to the municipal advisory committee suggesting the same thing: that they look at a number of different ways in which we can get the input from these particular groups. Is it a subcommittee of the MAC? Is it part of the MAC organization? I don't think we should have three or four different groups feeding input to the government. I think it is much easier, if one is doing planning and this type of work, to have it come through one specific body.

The issue is before them now. We will be having some discussions with them. I have asked MAC to get back to me by late June with some suggestions of how they feel we could implement the planning and get the support and input from these various groups.

That is well in hand and moving ahead. I don't know what will come out of those discussions and those ideas, but I can assure you that we are anxiously trying to find a solution.

You asked about the Manitoulin Economic Development Association. You will recall we did assist in setting up an association that



consisted of nine municipalities. We contributed something like \$40,000 a year and the local municipalities would match this from municipal taxation. To date they have hired a manager and a secretary. They have opened an office and a brochure on the association has been developed and is now being distributed.

From the work of the association, seven new enterprises have been established in the area, creating 11 new jobs. Discussions are presently under way with four new prospects with an employment potential of eight additional jobs. A very successful trade fair was held in Little Current on May 11 of this year. It received wide acclaim. So they are in place.

This is another example of how we could help with a self-help agency. Dr. Lupton of our staff was very much involved with in working closely with this group, to get their input, their ideas, and then of course to give them that seed money to get off and running.

There are no better salesmen than the local people themselves, if they are given the support, resources and expertise they need to go to the outside world and create the attitude and atmosphere they require to improve their own small industries and, of course, to create jobs. I am particularly pleased with their success to date.

Item 2 agreed to.

Vote 701 agreed to.

On vote 702, project development and community relations program; item 1; project development and implementation:

**Mr. Bolan:** I'm glad to see that we have finally moved off vote 701. I am not being critical, however; this merely emphasizes the problems which exist in northern Ontario when we have to spend close to eight hours just dealing with that one particular item. As I say, I am not being critical. In fact, perhaps we should spend more hours on these estimates.

I notice that when we went through the last estimates, 11½ hours was allocated, and we are now up to 13 hours. It's just like the budget, onwards and upwards. We're shooting for 15 hours the next time.

**Hon. Mr. Bernier:** Revise my budget upwards?

**Mr. Bolan:** I would hope that the budget will increase in the same percentage as does the number of hours required to do the estimates.

I just have one matter to raise on this item. It has to do with the programs of the government which the people of northern On-

tario are to be made aware of. I'm talking about the services of the Northern Affairs officers.

The function of the Northern Affairs officers as set out in the estimates is to make residents of northern Ontario aware of the programs, services and facilities available to them from the government. There is at least one area here which causes me concern. It is one of the programs introduced by the government which I feel has been of tremendous benefit to the people of Ontario, particularly those in northern Ontario, and that is the OHRP program, the Ontario Home Renewal Plan. There is only one thing wrong with it, there is not enough money for it. If there ever was a program designed to increase and improve the housing stock, this certainly is the one.

When you look at all the spinoff effects this particular program has, first of all it improves the home, which means that the assessed value of the home goes up, which means that the taxes will go up correspondingly, and rightfully they should. It means the small businessman gets into the act, because he's one of the contractors who will go out to replace the roof or put in a new septic tank or drill a new well. The benefits are just astounding.

My concern is just what role does the northern affairs officer play in dealing with the OHRP programs. I do know that if somebody comes to him an application is made out in his office. I'm talking about the groups in unorganized townships. The application is made in his office and he'll make a search of the title at the registry office or he'll have that done, which is all fine indeed. But specifically, what attempts does the northern affairs officer make to go out and to inform the public in unorganized townships and communities of the program?

I know in my area we had one northern affairs officer, who no longer is with us, Mr. Cazabon, an excellent officer. He did an awful lot of OHRP work. He would go right out and knock on their doors and say: "This program is available. Are you interested?" He really went out and sold the plan. However, I understand this is not the case with all of them, and I can understand that too. They have other things to do.

I'd like to know if you have any specific instructions to your northern affairs officers as to what they are to do to inform the public of the OHRP program, other than, of course, to have the pamphlets made available in the office.

In my particular area, what I did is I sent a letter to all of the citizens who live in



the unorganized townships to inform them of the program and to inform them where they could get more information, either through my constituency office or the Northern Affairs office in North Bay or in Sturgeon Falls.

If you don't have any particular instructions to your northern affairs officers, I would ask that you consider that, because the benefits of it are just fantastic.

**Hon. Mr. Bernier:** I certainly appreciate the member's observations on the fine job our northern affairs officers are doing, not only with the OHRP program but all the government programs they deal with.

The OHRP program, as you are well aware, is administered by the Ministry of Housing, and through the excellent co-operation we get from the ministry, having our northern affairs officers be the front line people in the field has worked out exceptionally well—there's just no question—right across the north. I don't think there's a member in northern Ontario that hasn't written me about the OHRP program and the excellent results he or she has received from this program and from our northern affairs officers in handling this particular program.

They're given a blanket instruction to promote government programs. As you know, many of them have their own little columns in the newspapers, many of them have spot radio shows, some even go as far as to have television programs where they talk about Ontario government programs and let the general public know how to go about it, how they can help them in a number of different ways. They've also been instructed, where possible, to speak to various groups, large or small, in the development of those programs.

Also, I think it's fair to say in the rural areas—and I followed it in my own area, it was very, very effective—it is word of mouth. We had a couple of programs in my community; and believe me when Ron Willis, the northern affairs officer, came in to meet with the individuals—and they were senior citizens—to discuss with them a new roof, an addition to their house for a bathroom—the very basic needs, something that was really needed; and then to roll out the repayment program, which was very minimal: that went through the town like wild-fire, so Ron Willis was pretty busy for a long period.

[5:45]

I guess one of the weaknesses of the program is the amount of money we're allowed. I would like to see it increased. I think you

would too. I am constantly pressing my colleague, the Minister of Housing, for his efforts in improving that overall program. It has such benefits, as you correctly pointed out, to the areas of northern Ontario that have many small, frame houses. That \$1,000 or \$2,000 can do a tremendous amount of improvements to them. We see it every day and I just hope it continues because we're going to be in there promoting it and doing everything we can to improve the quality of life.

**Mr. Wildman:** To supplement that, I certainly add my feelings about the OHRP program to those of my colleague. I think this is one program that has the support of just about every member of the House. It's gained a great deal of praise.

I'd be interested in finding out if you have any specific training seminars or workshops worked up for the northern affairs officers themselves with other ministries, like the Ministry of Housing in relation to OHRP or, say, the Ministry of the Environment in relation to their program on the rural, privately-owned septic tanks and wells, that kind of thing.

There have been a lot of very good things done in my area, and in others in the unorganized communities under OHRP. There have been a few administrative problems, however, and I can understand that occurring with one person basically doing a lot of different projects in different areas. I wonder if you have any ongoing training programs for northern affairs officers on those two programs. Also, I would be interested in relation to the one thing you said about the radio shows and TV shows, if you could give me some ideas of who could go on those shows.

I've had a couple of occasions where, just by coincidence I'm sure, I have made one or two public statements that might be a little critical of government policy where, within a few days or a week or so, the northern affairs show in Sault Ste. Marie has dealt with the very same topic and has not always agreed with me about what I've said. I just wonder if there is any opportunity for rebuttal to some of the things that are said on the Northern Affairs programs, though, in terms of advertising government programs I think they're very worthwhile shows.

Those are my only two questions on this vote. Could you give me some idea of what ongoing upgrading and training you're doing for your officers in those various programs and also if you could give me some comments about how the shows operate?



**Hon. Mr. Bernier:** Yes, I should just relate to the member the selectivity that we go through in picking a northern affairs officer first. I think it's fair to say that we have a long list of people waiting to become northern affairs officers. Over the years they have built themselves up into a pretty respectable group. Sure, the salary is good. They are very broad and general in their approach. They're dealing with human issues, doing things for people, and we select those people for their knowledge of the way government operates. They may have been former civil servants who have a background of a ministry or a number of ministries, so they come to us with some knowledge of how the system operates.

We build on that with regular training seminars, because it is important to keep up with the various changes that take place with regard to the programs that they promote and they administer. I'm told here that we have them on a very regular basis. In fact the next one is on the 30th of this month; a two-day one in the northeast. What they do is get other government ministries to send up their people to talk to our northern affairs officers. Even the Ombudsman met with the northern affairs officers to explain his role. In fact, he was so impressed he thought our northern affairs officers were mini-ombudsmen.

We just don't relay the programs ourselves. The ministries that are responsible for those programs actually go up and meet with the northern affairs officers and exchange views with them. It's an ongoing thing with all the ministries we deal with, Labour, Environment, Natural Resources, not so much Natural Resources because they have so many people in the field, but Housing, Intergovernmental Affairs and so on.

Over a few years those people have become very versatile and very broad in their approach, very broad in their thinking, and of course in the administration of provincial programs. We have an excellent group, something like 29, right across northern Ontario, serving the public exceptionally well; not only those 29 but the satellite people working for them. I want to take this opportunity to publicly thank those people who are working in the smaller communities on a satellite basis with no pay, no compensation. It's just a referral system. People know the northern affairs officer is coming to a certain town or a certain community and they leave their names with the satellite officer who, in turn, passes it over to the northern affairs officer who makes that call. It's a very effective network of service and one that cannot go un-

recognized, because they make a tremendous contribution to their fellow man. I want to thank them publicly for it.

The member asked one question at the end. What was it? I didn't get it?

**Mr. Wildman:** I asked about the television programs. If the minister would like a further explanation, I will give him one example. It's not a major thing I'm raising here, just a matter of interest.

At the time the provincial parks camp fees were increased, I indicated I didn't agree with that and I pointed out, when the report came out a year later, that the percentage of people visiting the camps was down. I think it was about 11 per cent last year, and in our area it was higher, about 15 to 18 per cent. Not long after I made that statement and pointed to that figure, which the Minister of Natural Resources had supplied me with, there was a program on in the Sault, a Ministry of Northern Affairs show, and they had a long discussion about whether the increase in the provincial parks fees had affected the numbers of visitors to the parks in our area. They didn't agree with my position. I have nothing against them for not agreeing with what I said, but I am just interested to know whether I could have gone on the show and made my position clear to the interviewer as well.

**Hon. Mr. Bernier:** I suppose our northern affairs officers are very well informed and we always like to keep the record straight, so to speak. No, I can't answer that specific question, but I guess we have made it an unwritten rule, there is nothing written, to keep away from politicians on those shows. I don't think you have seen the minister on those shows.

**Mr. Wildman:** Oh, no.

**Hon. Mr. Bernier:** I don't think it's the place for politicians. We have a forum. There's nothing better than the Ontario Legislature as a place to spout off. Of course we also have the route of news releases if we want to issue them ourselves. I'm sure the radio stations carry our news releases, as do TV shows and so on. I think we should leave to the northern affairs officers the responsibility of outlining to the public just what those programs are and how they can help everybody in general, no matter if they are NDP, Liberal or Conservative. They'll help them all. There is no discrimination, no bias.

Item 1 agreed to.

On item 2, project development and implementation:

**Mr. Bolan:** Just one small point on this: I suppose it's as good a place as any to bring



this up. The minister says one of the functions of his ministry is to work in concert with municipalities and other ministries in developing plans to improve northern community conditions and to respond to those in need. I just have one question on this and it has to do with the educational channel, TV Ontario.

In northern Ontario the only way you can get this channel is if you have cable television. I think we all know the benefits of TV Ontario.

I am wondering if this ministry has any input with respect to this. I am wondering if the minister is prepared to undertake to the House that he will liaise with the other ministries which may be responsible for this. I presume Culture and Recreation would be the line ministry on this.

In any event, many of those in isolated communities can get the regular CBC channel or whichever one is in the area, but TV Ontario has to be one of the better things which have come out for a long time.

There are some good government programs. There's OHRP there's TV Ontario and there are others as well. We don't mind pointing these out when the time comes to point them out. But in terms of educating many of the people—and I mean adults here; the children get their education in school. I'm talking about the adult residents of northern Ontario in some of our isolated communities who could certainly stand the benefits of this very excellent program.

**Hon. Mr. Bernier:** Well Mr. Chairman, the honourable member has hit on a very sensitive issue for me personally. It's one that I have been—

**Hon. Miss Stephenson:** It's one that's shared.

**Hon. Mr. Bernier:** I'm talking about the overall lack of improved television across northern Ontario, not ETV. But no, as was spelled out in the throne speech, you'll recall that the Ministry of Northern Affairs was given certain responsibilities. We are supposed to accelerate better television coverage across northern Ontario. Our goal is to have at least three off-air channels, these being CBC, CTV and ETV. I think that's our minimum goal. Now cable will follow that.

**Mr. Wildman:** And French.

**Hon. Mr. Bernier:** And French, oh yes, there's no question about that. French is moving into CBC in many areas right now. So we have that as a goal, in fact I am getting a little annoyed and frustrated with the lack of a decision by the CRTC.

**Mr. Wildman:** It had to do with an election.

**Hon. Mr. Bernier:** That further infuriates me, really. The member for Rainy River—and he was a member on June 4—stood up and said, "The CRTC had made their decision, but we can't tell you today, we're going to tell you two weeks from now," which would be three or four days before the election. It never did happen. We still don't know who the selected carrier is.

I can tell you we're going to crank up our efforts to get a decision and to get on with the job, because there are new developments occurring in northern Ontario. There are developments with the satellite dishes. They are coming on rapidly. In the town of Dryden just about two weeks ago, after about three months experimenting, the local cable operator tied into the satellite and brought in Atlanta, Georgia, clear as a bell. The colour was exceptional, the voice was perfect and there they were, the people were watching baseball games coming in live from Atlanta, Georgia, through the satellite.

**Hon. Miss Stephenson:** That's educational?

**Hon. Mr. Bernier:** Yes.

**Mr. Bolan:** How about ETV?

**Hon. Mr. Bernier:** If we can get ETV and CTV through that route I think that's the way we should go, because the costs have just been reduced tremendously by this satellite if they can be worked in.

**Mr. Wildman:** Cable's just not viable for most of the small communities.

**Hon. Mr. Bernier:** It is now with the dish antenna in place. In fact the fellow told me that he figured out it would cost him about 10 cents per customer if he was allowed to use the satellite dishes. Now he's totally illegal, and he recognizes that; that's why he brought it in during election time, so they wouldn't shut it down. But nevertheless it's in place, it's working and we're going to accelerate our efforts as a ministry to get on with the job, because northern Ontario needs it and deserves it.

**Mr. Deputy Chairman:** Shall item 2 carry? Does nobody wish to speak further on the item?

On motion by Hon. Mr. Bernier, the committee of supply reported a certain resolution.

The House adjourned at 6 p.m.



## APPENDIX

(See page 2255)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## LEGAL SERVICES CONTRACTS

123. Mr. Ziemba: What are the names and business address of lawyers that performed contract work for the government last year; and how much was each paid? [Tabled April 5, 1979. Interim Answer April 19, 1979. Approximate date information available May 18, 1979.]

See sessional paper 74.

## SCHOOL BOARD STATISTICS

181. Mr. Bounsall: Will the ministry table for each school board in Ontario for 1977, 1978, 1979, using interim and estimate figures where necessary: 1. The average daily enrolment; 2. per pupil grant ceiling; 3. per pupil expenditures; 4. total expenditure; 5. total local taxation; 6. total provincial assistance; 7. rate of grant on recognized ordinary expenditures; 8. provincial contri-

bution as a percentage of the total local school board expenditures; 9. rate of grant for French language instruction; 10. decline or increase in number of students from previous year; 11. decline or increase in number of full-time equivalent teachers from previous year; 12. number of self-contained special education classes; 13. number of full-time equivalent teachers of special education classes; 14. number of heritage language classes; 15. number of students studying heritage languages; 16. number of pupils whose first language is neither English nor French; 17. number of self-contained classes for pupils whose first language is neither English nor French; 18. number of full-time equivalent teachers of classes for pupils whose first language is neither English nor French? [Tabled May 15, 1979.]

Hon. Miss Stephenson: We require additional time to prepare our response to the above question. The answer will be ready for tabling on or about Thursday, June 7, 1979.

## ERRATUM

No.	Page	Column	Line	Should read:
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No. 56

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**

Tuesday, May 29, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

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TUESDAY, MAY 29, 1979

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### CIVIL COURT PILOT PROJECT

**Hon. Mr. McMurtry:** Mr. Speaker, I will be introducing for first reading this afternoon the Provincial Court, (Civil Division) Project Act, 1979. The purpose of this bill is to establish in the municipality of Metropolitan Toronto a pilot project court where methods of reducing expense and delay in the adjudication of civil action can be implemented on an experimental basis and evaluated.

The pilot project involves the establishment in Toronto of a civil division of the provincial court for a period of three years. This project is proposed for Metropolitan Toronto because that municipality already has most of the resources necessary to handle the case load that will come into the civil division. It is my hope that if the project proves successful it can be extended to other parts of the province.

The newly created civil division will assume all the jurisdiction of the small claims courts in Metropolitan Toronto. In addition, the civil division will have jurisdiction over civil claims up to \$300. The bill provides that rules may be made to govern procedure in the project court. Although the details of the rules have yet to be worked out, they will be based on a form of simplified procedure where innovative measures may be tried and assessed. Particularly in the pre-trial and pleading stages of a civil action, there is room for new approaches and a more streamlined structure for civil litigation.

An individual will be free to hire a lawyer to represent him in the civil division, but steps will be taken to keep legal fees down and to reduce the overall cost of litigation.

The judges presiding in the civil division will be those small claims court judges appointed by the province who are currently sitting in Metropolitan Toronto. The existing court offices and court staff will be utilized in the project. Some increase in resources will be necessary but, hopefully, the increase will not be great.

The bill establishes an advisory committee to advise and make recommendations on the establishment and operation of the pilot project court and on its practice and procedure. My ministry is committed to making the courts of Ontario more accessible to the average citizen and to providing less expensive and less prolonged methods of settling disputes. A number of initiatives in this direction have already been made, such as the unified family court in Hamilton-Wentworth. These efforts must be continued and expanded.

I am confident that the provincial court (civil division) pilot project will be a significant step in achieving the goals I have outlined and that the experience and insight gained by the project will prove to be invaluable.

### OPP TRAINING CENTRE

**Hon. Mr. McMurtry:** I would like to take this opportunity to announce to the House plans for a new training facility for the Ontario Provincial Police which, fortunately, also allows the government to further rationalize the rehabilitation programs of the Ministry of Correctional Services.

This announcement is of some interest and importance to the citizens of Brampton who have so compassionately assisted the staff of the Ministry of Correctional Services adult training centre in their progressive work with non-violent offenders in that community. As many will be aware, the need for this facility has altered as a result of the ministry's development of creative community programs and the tendency of the courts to consider methods other than jail for dealing with the non-violent offender.

The Minister of Correctional Services will deal more specifically with some of these changes in the rehabilitation framework and the plans for the staff in more detail later. The result, however, is that the adult training centre is now redundant as far as the programs of the ministry are concerned and the centre will be vacated on August 31, 1979. At the same time, the Ontario Provincial Police have been seriously searching for quarters more suited to the wide-ranging programs of the Ontario



Provincial Police Training and Development Centre presently located in inadequate quarters on Sherbourne Street in the city of Toronto.

The officials of the OPP have examined the 97-acre Brampton site and have concluded that with some modifications it will satisfy the force's need for expanded training facilities. It is anticipated that the centre will provide accommodation for 150 students and an increased administration staff. It is, therefore, a pleasure for me to announce that the Ontario Provincial Police Training and Development Centre will commence moving from its location on Sherbourne Street on September 1, 1979.

Brampton is an excellent location for the new training centre.

**Mrs. Campbell:** You are so right.

**An hon. member:** Tell it to the Premier.

**Hon. Mr. McMurtry:** It offers easy access to the force's general headquarters and to the students who will be attending from across the province in that it is close to Toronto International Airport and highway 401. The site will also facilitate all anticipated expansion needs.

**Mr. Sweeney:** How can you smile when you are talking about so important a matter?

**Hon. Mr. McMurtry:** The new training centre will provide year-round courses to members of the force and will include all academic subjects related to police science as well as motorcycle and physical training instruction. Supervisory and senior management courses will also form an important part of the curriculum and an indoor firearms range and swimming pool will be constructed to instruct force members in the use of police weapons and scuba diving.

**An hon. member:** Don't tell Tom Cossitt about the swimming pool.

**Hon. Mr. McMurtry:** The OPP training centre programs are not intended to supplant the curriculum offered by the Ontario Police College in Aylmer, Ontario. Rather, they are supplemental and aimed specifically at the needs of members of the Ontario Provincial Police.

Although I am certainly pleased to announce the Ontario Provincial Police will locate in Brampton, I am somewhat saddened at the need to close Brampton Adult Training Centre. This correctional facility opened in 1947 and was the forerunner of many advanced, community-oriented programs for dealing with the young and non-violent offender.

## CLOSURE OF BRAMPTON CORRECTIONAL FACILITY

**Hon. Mr. Walker:** Mr. Speaker, the Ministry of Correctional Services will co-operate with the Ontario Provincial Police to ensure the smooth transition of Brampton Adult Training Centre from its present use as a minimum security correctional facility to a training and development centre for OPP staff.

Brampton ATC will close its doors as a correctional facility on August 31, 1979. Transfers of inmates to the centre have been terminated. The limited number of inmates who will not have completed their sentences at the centre by the end of August will be transferred to other correctional institutions or community facilities.

All permanent civil servants currently employed at Brampton ATC will be offered alternative employment in the Ontario public service. In the majority of cases it will be possible to place these staff members in vacant positions in other institutions located within reasonable commuting distance of their present homes. In this regard, five other major correctional facilities are situated within a 25-mile radius of Brampton. Commencing today, representatives of the personnel branch of this ministry will be on site to interview all staff members regarding future employment possibilities and to assist them during the transition period.

The phasing out of Brampton ATC is another indication of the progress which has been made by the Ministry of Correctional Services in the development of community-based programs as an alternative to incarceration for well-motivated, non-violent offenders.

When the centre first opened its doors in February 1947 it represented an entirely new concept in the province for dealing with young offenders between the ages of 16 and 24. It was the first correctional facility in the province in which offenders were not under constant supervision. There were no bars on windows and no security fences surrounding the grounds. This situation encouraged inmates to develop a sense of trust in themselves which, in turn, contributed to their positive response to the training and treatment program.

The open setting philosophy of the centre gained wide acceptance in the community to the point where many young inmates began working at gainful employment in the community or attending classes in the community educational facilities. It is certainly worth noting that the temporary absence program which operates in Ontario with a 98 per cent success rate had its beginning in



Brampton. The first four inmates to be permitted to attend classes in a community school during the day while completing their sentences at a correctional centre were residents of the Brampton ATC. That was in 1968.

Ironically, it is this very success of the kind of community programming pioneered at the Brampton ATC which has provided the community alternatives that will now permit the phasing out of the Brampton setting as a correctional facility. This new emphasis has included extensive use of community supervision, temporary absences to work or receive academic and vocational training, and the establishment of 34 community resource centres of which all except two are operated by private agencies and individuals for this ministry. In addition, the courts are sentencing more people to perform community service, or, are recommending immediate temporary absences to allow offenders to retain their jobs in the community.

Thus, the needs of many of the individuals previously classified for Brampton ATC, are being met in the community by CRCs, the House of Concord which is operated by the Salvation Army, or by placing them on parole. Those offenders requiring training in a correctional setting can be accommodated at such facilities as the Maplehurst Adult Training Centre, which has an excellent educational training program.

The success of the Brampton ATC program over its many years of operation can be attributed to two main ingredients: an outstanding and dedicated staff, and a community whose citizens provided acceptance, understanding, and a willingness to become involved in the challenge of assisting offenders. I wish to express my personal appreciation and that of the ministry for the tremendous contribution made by staff of the Brampton ATC to the development of pioneering correctional programs in this province. Certainly the correctional facilities to which these staff will now be reassigned will benefit immensely from the experience and knowledge these employees have to offer.

On behalf of the Ministry of Correctional Services, I would also like to thank the citizens of Brampton for their valuable support and their immensely important contributions to the program at this adult training centre over the past 32 years.

**Mr. Kerrio:** You guys would do anything to save that seat.

**Hon. Mr. Walker:** I know they will continue to participate in the programs at our two other Brampton facilities next door—the

Vanier Centre for Women and the Ontario Correctional Institute—and they can be counted upon to extend the hand of welcome, as well as their co-operation to the Ontario Provincial Police staff.

## MUNICIPAL LEGISLATION

**Hon. Mr. Wells:** Today I will be introducing a bill which contains a number of amendments to the Municipal Act. Many of these amendments are the result of consultation and requests from municipalities, while others are of a housekeeping nature, designed to improve or clarify certain sections of the present legislation.

I would like to take this opportunity to outline briefly the amendments being introduced today for your consideration. Following the 1978 municipal elections, representatives of several municipalities indicated they would like to be able to administer the municipal oath of allegiance and declaration of office in either French or English.

This bill will authorize the minister to provide all forms required for the purpose of the Municipal Act in a bilingual version. These forms are currently provided in English only. The choice of forms to be used will be left to the discretion of each municipality. Use of the bilingual version will enable a municipality to administer the oath of allegiance and declaration of office in either English or French.

A number of the amendments will expand the authority of municipal councils. Councils will be able to lease or license the use of untravelled portions of highways in areas zoned for residential purposes. They will be authorized to allow municipal sewer inspectors to enter onto private, commercial and industrial property, but not a residence, without a search warrant for the purpose of examining industrial discharge into municipal sewers.

[2:15]

Councils will be authorized to extend the deadline for making the oath of allegiance and the declaration of office for reasons council considers to be valid. The current minimum and maximum fines for leaving a motor vehicle unattended will be repealed, and councils will be able to prescribe fines in amounts not exceeding \$1,000.

The existing reward provisions will be expanded to enable municipalities to provide rewards for information leading to the location or return of missing persons or property, and the requirements for the approval of the Minister of Housing for municipal



roads of more than 30 metres in width will be deleted.

Several changes will be made to the provisions dealing with financial matters. Councils will be able to set their minimum tax bills at any level up to \$10 or another amount prescribed by the minister. This will particularly assist smaller municipalities where the incidence of tax bills for smaller amounts is highest.

The requirement in section 224 that municipalities make public their financial statements will be extended to counties. Councils will be required to deal themselves with applications for tax reductions because of sickness, extreme poverty or reassessment, rather than delegate this responsibility to the assessment review court.

Loans provided to municipalities under the Main Street Revitalization Program and the Ontario Downtown Revitalization Program will be exempted from the requirement for obtaining the assent of the electors. The permissive upper limit for tax penalties will be increased from one per cent to one and one quarter per cent per month. Such a move should avoid financial hardship for municipalities, while encouraging taxpayers to pay their taxes on time.

The bill will authorize a provincial court judge to issue an order to prohibit a person guilty of contravening a bylaw from continuing or repeating such contravention.

In line with a recent amendment to permit municipalities to invest in credit unions, as well as in trust companies and chartered banks, municipalities will be authorized to permit the payment of municipal taxes through credit unions and caisses populaires. At present, such arrangements can only be made with chartered banks, trust companies and the Province of Ontario Savings Offices.

**Mr. Speaker:** The member for Niagara Falls on a possible point of privilege.

#### DIOXIN IN FISH

**Mr. Kerrio:** Some weeks ago, I made reference to the fact there was enough dioxin in dumpsites in Niagara Falls, New York, to poison the population of North America. That statement was erroneous and I wish to correct it.

The minister then referred to the amounts that are dangerous as a shot of vermouth in a 28 million ton martini. Now I would like to read into the record the correction:

Dioxin is in the same megapoisson category as botulism and shellfish toxin. With up to 2,130 known pounds in dumpsites used in the 1960s by Hooker Chemical Company,

there is enough within leaching range of Lake Ontario to wipe out the world. US authorities, however, are now actively working to contain or, where possible, to remove them.

Though parts per trillion sounds harmless, dioxin in five parts per trillion is known to cause cancer in test rodents and such microscopic measurements are destined to join nuclear rems in the lexicon of a pollution-conscious public.

**Mr. Speaker:** The Minister of the Environment would like to add something further by way of correcting the record.

**Hon. Mr. Parrott:** I really don't think the member opposite had any disagreement with anything I was saying. The reference to various illustrations of parts per trillion was an illustration to bring to the attention of everyone the very, very small portions that can do harm. At no time did the member or myself disagree with the infinitesimally small parts of dioxin that can be harmful.

**Mr. Mancini:** Changed your tune now, eh?

**Hon. Mr. Parrott:** Mr. Speaker, I don't think the member's privilege was one of disagreement with myself as much as he wanted to correct the record and on that we agree.

#### NUCLEAR PLANT SAFETY

**Mr. MacDonald:** Mr. Speaker, I have a point of order or a point of privilege that I, as chairman of the select committee on Hydro affairs, want to raise with you and through you, with the House. A rather strange situation has developed. Normally it is handled by the House leaders but in this instance it has been frustrated by the House leaders.

Last Thursday, you will recall, I brought in a report—no, it was during your absence so you will not recall. I brought in a report from the select committee, as a result of a resolution passed the previous day by a majority in the committee, requesting the House to endorse the proposal the Rolphoton plant should not be put back in operation—it is now down for maintenance—until the committee had an opportunity to explore that great and growing concern with regard to nuclear safety.

At the House leaders' meeting on Monday, when the acting House leader, in the absence of Honourable Mr. Welch, was there, the argument was made that since the business for this week had been decided and announced last Thursday, there could be no change in that business—an argument, Mr. Speaker, I think you will regard as being not wholly



accurate, since we have changed business to conform with the needs or the requirements of the government, or sometimes the opposition, many times.

The situation is this station is going to come back into operation at the end of this month, which is the end of this week. Therefore, a debate on that motion from a majority of the committee is meaningful only if it takes place before the end of this week. It could be scheduled on Thursday, but the acting government House leader has blocked it. It seems to me, as the chairman of a committee having brought back a report from a majority of that committee, I have an obligation to draw to your attention and to the attention of the whole House that an opportunity to debate that whole matter has been frustrated by the position taken by the acting government House leader at Monday's meeting.

I submit to you, Mr. Speaker, many times business has been changed from what is a tentative scheduling of business for the coming week, when new circumstances arise. Thursday night of this week, when we may have time to go back to budget debate, I am told, after two or three relatively inconsequential bills, would be the appropriate time to debate this resolution. Otherwise, it becomes a meaningless debate.

**Mr. S. Smith:** Mr. Speaker, if I may attempt to be of some assistance to you as you consider this matter, you might recognize that members of our party on the select committee wished to have the Rolphton matter dealt with as follows: We felt the station should remain closed until the safety matters had been looked into by the select committee. We furthermore felt the logical thing to do was to take advantage of the fact it was down for maintenance and have the select committee immediately seize the matter of the Rolphton referral and bring in those witnesses pertinent to the matter so they could understand as quickly as possible whether or not the safe operation of that reactor should be re-undertaken.

Interestingly enough, the votes of the other two parties on that committee rendered the following situation the case: They accepted that the Rolphton reactor should remain down until the matter was looked at, but then turned around and refused to look at it until the month of July. That to me is utterly nonsensical. The committee should have looked at it then. They should have taken the earliest opportunity to look at it. Why the members of the other two parties decided not to remains to this day a mystery to myself. I would suggest that rather than take the

time of the House to debate Rolphton, the committee should immediately sit down and look at that precise reference, which is what we wanted in the first place.

**Hon. Mr. Grossman:** Mr. Speaker, just to put the sequence of events in perspective for the House, as the member for York South has pointed out, the committee did meet last Wednesday. After hearing a petition and some other information brought before the committee by the member for Carleton East (Ms. Gigantes), and then after a very short discussion—an hour or an hour and a half—they decided to vote on the resolution before it.

Subsequently, in the ordinary course, the House leaders met on Thursday at noon to conclude and agree upon, as is always the case, the order of business for the following week, which is this week. At that time, the matter was not only not agreed upon, but not even raised by any of the House leaders present; that is a full 24 hours after the committee had passed the resolution. There was also no secret at that time about the intended reopening of the plant in question.

Subsequent to that, at two o'clock last Thursday after the House business had been agreed upon for this week, my colleague, the Minister of Energy (Mr. Auld), rose in this House and set out the definitive government position upon the situation with regard to that plant which, I would remind the House, is a fairly complete statement. It indicates, as far as the ministry is concerned and, I believe, so far as the Atomic Energy Control Board is concerned, that there is no problem with the reopening of that plant.

At six o'clock last Thursday, the government House leader rose, as he always does, to read out the agreed-upon order of business for this coming week. At that time, almost a day and a half after the committee had met and dealt with the issue, the matter had still not been raised.

What I indicated at the meeting yesterday was that there really was no managerial change in the circumstances from the time the resolution was dealt with by the committee last Wednesday until yesterday, which would bring the statement of the minister of last Thursday into any doubt whatsoever. It goes without saying that the committee is free to meet at any time to deal with the various matters it wants to deal with regarding this plant. At any time it wishes to do so, it is so authorized.

The plant will continue to undergo ordinary maintenance—I emphasize this point—and reopen in the ordinary course in accordance with AECBs permission and the approval of Ontario Hydro which operates



that plant. If, at any time, the committee wants to meet and pass its own judgement on whether the plant is a safe one, then so be it.

**Ms. Gigantes:** I have a point of personal privilege, Mr. Speaker.

**Mr. Speaker:** We could continue this all day. Is it in connection with the one raised by the member for York South?

**Ms. Gigantes:** Yes, it is.

**Mr. Speaker:** I will hear you.

**Ms. Gigantes:** Last week in the press the leader of the Liberal Party was quoted as saying that the select committee on Ontario Hydro affairs had voted no—in other words, the NDP and the Conservatives had joined and voted against having immediate hearings. He has repeated that today in the House, and that is incorrect. There was no such motion.

I put one motion after discussion, Mr. Speaker. I feel obliged to bring it to your attention, as it is very important. There was one motion after discussion. It was discussed, and it was the motion which came out of the select committee. I call upon the leader of the Liberal Party to withdraw that incorrect statement.

**Mr. Speaker:** Order.

Interjections.

**Mr. Speaker:** Order. There is obviously a difference of opinion or a difference of interpretation as to what transpired in the meeting.

**Mr. Mackenzie:** It's a question of the truth.

Interjections.

**Mr. Speaker:** Order. The purpose of the member for York South in rising was to seek my intervention with regard to the ordering of the business of this House. I want to remind him and all other members that it is not the responsibility of the chair to order the business of this House or the committees of the House, which are creatures of the House. The ordering of business is the responsibility of the government House leader in consultation with the other two House leaders.

Following on the sequence of events as they unfolded, as related by the acting House leader, you wouldn't want the chair to be forcing its position on the ordering of the business of this House or its committees. It must be resolved by the proper authorities. There is nothing I can do about it.

**Mr. Martel:** But he was misleading.

**Mr. MacDonald:** Mr. Speaker, I have a point of order with regard to an inaccuracy in the statement of the acting government House leader.

**Mr. Speaker:** In any event, I have heard the position of spokesmen for all three parties. I want members to appreciate that it is not the responsibility of the chair to order the business of this House. That must be done by other people who are well known to you.

**Mr. J. Reed:** I have a point of privilege to correct the record, if I may, Mr. Speaker.

**Mr. Speaker:** I will hear it briefly.

**Mr. J. Reed:** The acting government House leader suggested that the information concerning the Rolphton matter had been brought to the select committee by someone other than myself. I should like it to go on the record that I, on behalf of my party, was responsible for bringing that information to the select committee.

[2:30]

**Mr. MacDonald:** Mr. Speaker, on a new point of order with regard to an inaccuracy in the statement of the acting government House leader.

**Mr. Speaker:** An inaccuracy really doesn't offend the privileges of the member unless he or she is personally affected. If this is the case, I'll hear it.

**Mr. MacDonald:** Mr. Speaker, you have stated that if there's an inaccuracy and one wants it corrected, one should do it on a point of order immediately it's been said.

I brought in a report at three o'clock on Thursday afternoon last week. That indicated a desire on the part of the majority of the committee for a debate. The business of the House wasn't announced by the government House leader until six o'clock.

Our procedure is that reports from committees are dealt with on the following Thursday evening. That is a standard procedure we've been following for some time. Therefore, for the acting government House leader to say they hadn't been informed and that I didn't rise and raise the matter is a gross misrepresentation of the situation.

**Mr. Speaker:** Obviously, the member is asking the chair to intervene or to rectify something that is beyond his power to do so.

**Mr. MacDonald:** No, I am just correcting the record.

**Mr. Speaker:** I think the member knows the avenues he has available to him if he wishes to prevail upon the House leaders to change the order of business.



**Mr. S. Smith:** Mr. Speaker, I would like to speak to the intervention of the member for Carleton East with regard to her matter of privilege, because her privileges are involved here, if I might, Mr. Speaker.

**Mr. Speaker:** Very briefly.

**Mr. S. Smith:** The member for Carleton East pointed out that in fact there was not a vote on the question of whether the Rolphoton matter was to be taken up immediately.

**Mr. Mackenzie:** Why don't you get the facts straight, for once?

**Ms. Gigantes:** Why don't you read the Hansard?

**Mr. S. Smith:** I may say there was neither a motion nor a vote. She is correct in this. But the Liberal member, the member for Halton-Burlington, representing our party, sought the agreement of the other two parties to have the matter dealt with expeditiously and immediately—

**Mr. MacDonald:** Why don't you move it?

**Mr. S. Smith:** —and such agreement was refused by the other two parties. Let that be on the record.

**Mr. Mackenzie:** You haven't the courage of your convictions. Twisting the truth.

**Mr. Speaker:** Order, order.

**Mr. S. Smith:** Read the Hansard.

**Mr. Speaker:** All honourable members of all parties know what their terms of reference are with regard to select or standing committees of this House. If their will is frustrated in the committee they can't seek recourse by coming and asking me to intervene.

That ends the matter. It's beyond the purview of the chair. It must be resolved either in committee or through consultation between the House leaders. That's the end of the matter.

## VISITORS

**Mr. Speaker:** I want to draw to the attention of all honourable members that we have two very important guests in our gallery, as guests of the Minister of Energy (Mr. Auld). They are the Honourable W. F. Birch, Minister of Energy, National Development, Science and Technology, for New Zealand, and Mr. Philip Harland, the Consul General of New Zealand.

## ORAL QUESTIONS

### RADIATION FROM X-RAYS

**Mr. S. Smith:** Mr. Speaker, a question to the Minister of Health. The minister has

said that people of Ontario should always accept X-rays rather than refuse them and run the risk of a poor or improper diagnosis. I would like to ask the minister what he would advise, as Minister of Health, for those people who are subjected to routine back X-rays for the purpose of being accepted into employment or for the purpose of continuing in employment.

Is the minister familiar with the procedure whereby applicants for a job, if the job involves lifting, are sent for routine back X-rays, even if they have no symptoms to indicate back problems, and are told that without an X-ray of this kind they will not be hired. The ostensible reason is to reduce compensation claims, and so on and so forth.

Should citizens be forced to take X-rays as a condition of employment? Should they take those X-rays, even if there is no indication of illness from the clinical examination?

**Hon. Mr. Timbrell:** Mr. Speaker, I want a few days to consider that and discuss it with my colleague, the Minister of Labour (Mr. Elgie), as it pertains to employment standards and the rights of labour in employment application situations.

I'm not familiar with that type of situation. If the member has details of any specific company or a particular type of industry where it's come to his attention that this is happening I would appreciate having that information. It would help in my discussions with my colleague.

As regards diagnostic radiology, that of course is a clinical decision, as the member knows; it is for a physician, a dentist, a chiropractor or whomever to decide, using his best judgement, what is in the interests of the patient.

**Mr. S. Smith:** I would certainly appreciate it if the minister would confer with the Minister of Labour and report to this House, since it appears to be a common practice that people are asked to undergo these X-rays as a routine before taking heavy jobs.

Since the minister has just mentioned again the question of chiropractic X-rays, is he now prepared, upon reflection, to state to the people of Ontario that they should accept or refuse the full-length X-rays which are frequently recommended by chiropractors? If he recommends acceptance, will he tell us what the risk is to the patient of not accepting it? Will he also compare that to what the radiation dose is? Could he give us the latest figures in his ministry?

**Hon. Mr. Timbrell:** I had some figures with me a few days ago, as a matter of fact, on a comparison of exposures of typical radiolog-



ical views in chiropractors' offices and hospitals, I am sorry; I have misplaced them, but I will find them in a couple of days. Again, however, that is a clinical decision of a person registered under the laws of Ontario, under the Drugless Practitioners Act, and it is one which he makes in the best interests of the patient in his office.

**Mr. S. Smith:** They should accept?

**Hon. Mr. Timbrell:** I do not for a moment—nor would I—countenance an X-ray for the sake of an X-ray. But if I am with my doctor, or with whomever—

**Mr. S. Smith:** Or with a chiropractor.

**Hon. Mr. Timbrell:**—and he recommends it as part of my diagnosis, then I will accept it.

**Mr. Cassidy:** A supplementary question, Mr. Speaker: Since it is now more than two weeks since the minister indicated he was prepared to offer more funds to Dr. Taylor's group in the task force that was designed to reduce the dangers of excessive radiation through X-rays, can the minister report whether his ministry has concluded discussions with Dr. Taylor's task force, how much extra money is being given to that task force and by how much time their program of work is to be shortened as a result?

**Hon. Mr. Timbrell:** Mr. Speaker, in meetings with Drs. Hobbs, Taylor and Johns, I indicated to them that, if they were to submit a proposal for a program that would accelerate the development of these radiological standards and improvements in the delivery of radiological services, we would be prepared to fund it. To date, they have not submitted such a proposal. But we still stand ready to do that; in fact, we are in regular contact—indeed, I would say daily contact—with this group, because it is important that we know what they are doing at every step along the way and that, likewise, they know the day-to-day activities of our branch.

**Mr. McGuigan:** Mr. Speaker, a supplementary question: I would like to ask the Minister of Health what he thinks of the ethics involved when an applicant signs a form giving a company the right to look at his medical records and submits to an X-ray examination, the results of which are then compared to X-rays that are on file in a hospital. Would he care to comment on what he thinks of the ethics of that situation?

**Hon. Mr. Timbrell:** Mr. Speaker, it seems to me that falls within the ambit of the original question on the apparent practice—of which I had not been aware until today—of some employers to ask for, as the Leader

of the Opposition has said, an X-ray. It seems to me that falls within the ambit of what I want to discuss with the Minister of Labour. As well, it seems to me that is the sort of thing that the royal commission, under Mr. Justice Krever, is examining as part of the whole question of access to medical information.

#### DISPOSAL OF HAZARDOUS WASTES

**Mr. S. Smith:** I have a question of the Minister of the Environment, Mr. Speaker. Since he is undoubtedly aware that Interflow and K-D Enterprises, against whom he has laid something like 138 charges, is now succeeded by a company which is essentially the same but with a new name—namely, Frontenac—can the minister explain why Frontenac appears to have the approval of the ministry in setting up a transfer station in Welland, the apparent aim of which will be to blend various liquid wastes and to then ship them for burning in Mississauga? Why would the minister be interested in continuing to expand the operations of this particular firm, given its pitiful record in Hamilton and the fact these charges are still pending; and how does he think he can establish such a transfer station in Welland without an environmental assessment hearing?

**Hon. Mr. Parrott:** I don't think the latter is necessarily so, although I'm not sure of that, Mr. Speaker.

I think one of the things we have come to realize is that regardless of how we treat our PCB material here in Ontario we are going to need some transfer of waste from municipalities, perhaps even across the border both ways—I want to make that very clear: both ways, both coming in and going out—so we have the proper mix of material in order to destroy it adequately. I am informed that you just don't take pure PCB material and burn it; you need an adequate mix. Of course, as the member knows, right now there is a more fantastic dilution than anything that has ever been done before. I think the dilution at the moment is one gallon to 5,000 gallons. But always, I am told, you need to dilute materials like PCBs in order to incinerate them.

**Mr. S. Smith:** Perhaps the first question was excessively lengthy and complex, but part of it was not answered. Does the minister intend to have an environmental assessment hearing of some kind prior to the establishment of this transfer station in Welland?

Is he saying the reason we have a possibility of PCB-contaminated material being



imported from New York for waste disposal is we don't have enough oil here to burn our own PCBs? Is that why we have to import PCB-contaminated oil from New York? What is the reason we have to import PCB-contaminated material from New York, as reported in the New York Times of Sunday, May 20? It says waste oil from Queens, New York, will be coming all the way up to a cement kiln near Toronto and incinerated, obviously referring to the St. Lawrence Cement situation. What is the reason we have to import the stuff?

**Hon. Mr. Parrott:** I don't think I ever said we needed to import PCB-laden material. I said that to burn PCB-laden material we may very well need to import other oils and chemicals because it's extremely important to have the proper mixture to destroy the material completely, 100 per cent.

If it's going to be a permanent station, yes, there will be a hearing. I think we made that very clear some time ago. If the station is to be there on an interim basis, there may not be a hearing.

The experience at Smithville gave us very clear indication so we are not going to talk of transfer stations as something that would allow a continuous storage operation. A transfer station, from my point of view, is one where the material is in today and out tomorrow. Normally, with liquid wastes that isn't the way it is; it's on a continuing basis. Therefore, a public hearing will be held. We have had that policy for some time.

**Mr. S. Smith:** If I may ask one more supplementary, Mr. Speaker, with your indulgence: Would the minister explain why he is still doing business on an expanded basis with the Interflow and K-D people operating under a new name while the other charges are still pending? Can he explain why any kind of transfer station which will be blending fuel, however transient the station may be—although one has serious doubts about that—should be established in Welland without a proper hearing?

**Hon. Mr. Parrott:** I didn't say that at all. I'm sorry, but the Leader of the Opposition is twisting that a little bit. I think while the charges are before the courts we have to respect that aspect of it. I think we also have to respect the fact that if a company makes a significant change, it is legitimate that they be permitted to continue in business with new personnel.

**Mr. S. Smith:** There is one new person. They are the same people, one person is new.  
[2:45]

**Hon. Mr. Parrott:** I think the member would agree there has been a very significant change in that company. I am not going to stand here today and defend the company, not at all; that isn't my duty nor my responsibility. But I think the member should be aware there has been a significant change in the management aspect of the company. Whether or not he accepts that, the fact remains it is so.

**Mr. S. Smith:** One guy from New York.

**Hon. Mr. Parrott:** Quite a new management team has been put into place, one from the States which had a good deal of experience in this particular subject matter. We will deal with this company on the basis of the evidence we have presented and that we can obtain. We will not prejudge a company and say because it has once been in conflict of our orders it will forever be banned from business. That would mean the many convictions we have had in the province would forever put out of business all of those companies. This would hardly be a fair and equitable way of dealing with the law.

#### NUCLEAR PLANT SAFETY

**Mr. Cassidy:** I have a question for the Minister of Energy arising out of the report we had on the radiation incident at the Bruce nuclear plant and the report which was received yesterday.

Since that report confirms evidence which was before the select committee a week or two earlier, can the minister explain why it is neither of the two workmen who received excess doses of radiation, both came from the Bruce heavy water plant, had any training in handling this kind of radiation situation in which they were working, and that even the workers with green qualifications who were meant to be supervising these two mechanical maintainers did not have training that included the radiological safety aspect of incidents with damage to irradiated fuel?

**Hon. Mr. Auld:** No, I can't, but I would assume that is one of the questions that will be addressed tomorrow when the committee is dealing with the report.

**Mr. Cassidy:** A supplementary: What credibility should we put in the ministry's claims about the safety of Ontario nuclear power plants in view of the fact this report contains a summary with two and a half pages itemizing the failure of Ontario Hydro to protect the safety of the workers who work in a radiation environment?



**Hon. Mr. Auld:** I think all three reports were tabled, as I understand it. The question of safety at the Bruce plant is one the select committee is looking into.

It would seem to me from reading the report that Hydro is aware and is carrying out the recommendations that were made about further training and further equipment, communications and so on. I assume the select committee is going to be inquiring further into whether the plans of Hydro are adequate or not.

**Mr. Cassidy:** In view of the fact there have been many reports in the United States about the problem of human error jeopardizing safety or security at nuclear power plants; and in view of the fact the Royal Commission on Electric Power Planning had a study last year which said essentially the same thing and warned of the problems of operator error or human error in nuclear power plants, can the minister say why it is that Hydro was not taking action in order to eliminate this many errors and problems in its safety procedures for cleaning up a radioactive accident? Can the minister say now how we can put credibility in Hydro's attempts to say that it is going to be safe from here on in?

**Hon. Mr. Auld:** I think it has been said before by Hydro, by myself and by my predecessors as Minister of Energy that the operation of the nuclear plants is one of constant postulating of incidents, of changing procedures, improving procedures and improving equipment.

I would imagine that will continue forever because people are not perfect. I think the system they have adopted must be, compared to elsewhere, a pretty good one, inasmuch as they have an extremely fine safety record.

#### ECONOMIC IMPACT OF GOVERNMENT PROGRAMS

**Mr. Cassidy:** I have a question for the Chairman of the Management Board of Cabinet, Mr. Speaker. On April 30, the Minister of Natural Resources told the Ontario Mining Association that effective last year the cabinet had implemented an overall policy of accountability to require an evaluation of the economic impact of all new proposals. He said that the cabinet is going to be required to know whether any new program duplicates existing programs and the impact on jobs, on investments, on the private sector and on the civil service.

Can the minister confirm whether it is the government's policy to do economic impact analyses on new programs in legislation, and

will he undertake to table those documents in this House?

**Hon. Mr. McCague:** The ministries are requested to submit economic impact analyses when they are introducing legislation. I think that the tabling of those should be up to each individual minister, if he or she so desires.

**Mr. Cassidy:** If I can direct this to the Chairman of Management Board, since he is the person who apparently sees these impact analyses, can the minister tell the House if the government has done formal economic impact analyses on the abolishing of succession duties, the connected increase in OHIP premiums or on individual grants under the Employment Development Fund, and will the minister undertake to see that those documents are tabled in the House?

**Hon. Mr. Davis:** I can tell you the answer to all three without any doubt, and it will be totally contrary to what you people want it to be. It is in the budget.

**Mr. Speaker:** Order. The question has been directed to the Chairman of Management Board.

**Hon. Mr. Davis:** It has indeed.

**Hon. Mr. McCague:** The items to which the leader of the third party refers are budget items. No, we did not have economic impact analyses of those prior to the budget.

**Mr. Makarchuk:** What did you do? Use a dart board?

**Hon. Miss Stephenson:** Yes. It has your picture on it.

**Mr. Cassidy:** Can the minister say then how is the government planning on major fiscal measures if economic impact analyses are not being done on those particular programs? On those programs where economic impact is being analysed, can the minister explain how is this Legislature meant to deal in a reasonable, informed kind of way, if those analyses, saying what the effect will be on taxes, on investment and on jobs, are not make available both to members of this Legislature and to the people of Ontario?

**Hon. Mr. McCague:** The leader of the third party should be able to dream up his own questions. That very subject was the subject of quite a fine bill that the member for London North (Mr. Van Horne) introduced last week in private members' business. At that time, I gave an extensive answer to the very points that the honourable member is raising.

#### FOOD PRICES

**Mr. Breithaupt:** Mr. Speaker, I have a question for the Minister of Consumer and



Commercial Relations, following the information received in report number one of the food price monitoring program. Is the minister aware that the statistics showing the results of price changes in the major cities of southern Ontario all show that the Toronto market had higher prices?

Since Toronto is a much larger market and in all probability should have lower prices generally, can the minister explain how the review board conclusion was received by the ministry and if the ministry is looking into the reasons behind that apparent shift of expectations of prices?

**Hon. Mr. Drea:** Mr. Speaker, I would have expected that because of the scope of the market the Toronto prices would be lower. The interesting thing is that increased competition in the markets other than Toronto are the reasons for the lowered prices. In addition, there is also the fact that prices in Sudbury are much lower. I think that is a direct result of the fact that stores have really chopped to the borderline because of the prolonged labour dispute which has cut down purchasing power in the area.

**Mr. Breithaupt:** In any review which the minister may make of the monitoring going on under this program, is he aware there is still a problem with respect to metric conversion? There are some price differentials resulting where quantity may have decreased even though the price may not have increased for the same product. Has there been any review of metric conversion to determine whether that decrease in size of packaging might have an effect on the price monitoring program which he is undertaking?

**Hon. Mr. Drea:** We are in constant consultation with the federal government. The federal government has assumed the role of monitoring the changeover to metric specifications, both liquid and solid, to make sure there is no price increase just because of the different containers.

Let's go back to Carnation milk. Carnation milk maintained its unit price so therefore it dropped its total price when the smaller metric can was used. That can now is back to the same price as the former large can because the federal government increased its support price for milk products. So the two aren't necessarily a price increase. One was done fairly within the metric situation. The other one was a change in federal government support prices.

Some weeks ago I was told there would be hundreds of metric complaints forwarded

to me here by just one member of the third party. Since then I have received five. None was from that member. All have gone to the federal government and in no case was there really a price increase dictated by the switch from North America standards to metric.

**Mr. Swart:** Supplementary: Would the minister tell us if he's doing any follow-up where he finds there is an unreasonable price increase or where there's a wide discrepancy between prices in one area compared to another? There is an example in beef, which is about 60 cents a pound more in Ottawa than it is in Toronto. Is the minister notifying the companies of his displeasure when he finds unjustified increases and asking why there are these discrepancies?

**Hon. Mr. Drea:** Yes, my people quite often talk not only to the retailer, but to wholesalers, to processors and, indeed, in the case of a farm product like beef, to the cattlemen's association. As a matter of fact, the cattlemen's association is a very good provider of information on just exactly what is happening today, what's likely to happen tomorrow and next week.

#### HOSPITAL BED ALLOCATIONS

**Mr. Cooke:** Mr. Speaker, in the absence of the Minister of Health (Mr. Timbrell) I would like to ask the Premier why his government is forcing yet another Windsor hospital to go through court procedure to secure adequate resources to meet health-care needs in my community? Further, I would like to ask why he is doing this in view of the fact that Dr. Fry, Dr. Echlin, Dr. Lee and Dr. Baryluk, all doctors on staff at Metropolitan Hospital, have clearly indicated in affidavits that the needs of that hospital and health-care needs are not being met because of cutbacks in budget and closing of beds.

Why is the Premier forcing them to go through the court process? Why doesn't the Premier come to terms with the problem on his own?

**Hon. Mr. Davis:** Mr. Speaker, I didn't get the last part of the question but dealing with the first part, I will be delighted to find out that information for the honourable member from the Minister of Health.

**Mr. Cooke:** Supplementary: Mr. Speaker, on this very important issue, which surprisingly enough he has absolutely no facts on, maybe the Premier would also find out why yesterday in the social development committee the Minister of Health stated



there would not be a closure of beds, simply a conversion of beds in Ontario, yet in Windsor 109 active treatment beds are being closed and only 85 chronic care beds are being opened. This gives a net loss of 24 beds as of April 1 this year.

[3:00]

**Hon. Mr. Davis:** With respect, I really think that is the kind of question that should be discussed during the estimates, but in that the member wants this information or further explanation—

**Mr. McClellan:** If he would stick around we could ask him.

**Mr. Breaugh:** He keeps running away.

**Hon. Mr. Davis:** Listen, if the member for Oshawa wants to ask a supplementary question, I have never sensed that the Minister of Health would run away from him in any physical or mental sense, I have to tell the member—

**Mr. Breaugh:** He ran away yesterday.

**Hon. Mr. Davis:** —and there is no reason on earth why he would ever need to. If there is one member over there who wouldn't inhibit me it would be the member for Oshawa in the health field. I say that with kindness.

I will get the answer for the honourable member if he doesn't get it during the estimates.

**Mr. B. Newman:** May I ask the Premier if he is aware that the establishment of the burn unit at Metropolitan Hospital took over facilities or space that meant approximately 16 beds were eliminated; and also that they do have a cancer unit, which means that unit can no longer be used for emergency cases; and that approximately 40 per cent of the emergency cases in the city of Windsor use the facilities of Metropolitan Hospital and, as a result, would the Premier not reconsider the bed allocation for that hospital?

**Hon. Mr. Davis:** I am only going by memory, and I am sure the member for Windsor-Walkerville has a better recollection than myself, but I think that the health council within that great community had some part in making these determinations. Knowing the support the member for Windsor-Walkerville has always publicly given to the health council in that community, as he does so many other public-spirited bodies, I don't think he would want to contradict the recommendations they have made.

**Mr. Cooke:** Your government set the ratios.

**Hon. Mr. Davis:** Surely the member for Windsor-Walkerville would expect us to accept their recommendations, because I sense

that that was the origin of this particular decision. If that assumption is in error, and I will check it with the Minister of Health, then I am sure he would be quite prepared to discuss it further with the member.

#### DIOXIN IN FISH

**Mr. Kennedy:** This is in respect to the first question of privilege raised by the member for Niagara Falls. We couldn't hear down here. I would like to ask the Minister of the Environment, did the member provide the source of the statistics and the information which he read into the record in allegedly correcting an earlier point of privilege or statement that he had made?

**Hon. Mr. Parrott:** In answer to the honourable member, if he did, I didn't hear it. I have no doubt that the member for Niagara Falls will tell us whether that was a scientific journal or a news magazine. I don't know what it was. Perhaps you would give him that privilege now, Mr. Speaker.

**Hon. Mr. Henderson:** Playboy.

**Hon. Mr. Norton:** Hush. Flash.

**Mr. Speaker:** If the member for Niagara Falls wants to volunteer that information, I will allow him to do that.

**Mr. Kerrio:** Thank you, Mr. Speaker. I will enjoy getting into the habit of answering questions; I think we should do that.

**Mr. Speaker:** Just the source, please.

**Mr. Kerrio:** Yes. The information that I read into the record was taken from this month's Maclean's, and—

Interjections.

**Hon. Mr. Norton:** Will the honourable member please table that document?

**Mr. Kerrio:** I really understand what it feels like over there now, I really do.

**Mr. Speaker:** That is a very full and complete response. Thank you. That is the way all questions should be answered.

#### ABITIBI PROSECUTION

**Mr. Gaunt:** I have a question of the Minister of the Environment, in regard to the province's prosecution of Abitibi Paper Company Limited over pollution by its Iroquois Falls paper mill, which has now been halted by the Ontario Court of Appeal.

Why did the ministry officials privately, in correspondence, lead Abitibi engineers to presume that it would not be prosecuted provided it completed its improvement program, and then publicly turn around and lay 22 charges under the Environmental Protection Act and the Ontario Water Resources



Act, which prosecution, in the words of the provincial court judge, was "an abuse of the court process"?

**Mr. Roy:** Oh, shame, shame.

**Hon. Mr. Parrott:** I appreciate having had some alert to this. I believe it was in 1976—some time ago—when that correspondence took place. Then the appeals and counter-appeals took place. We won one and we lost one. At the moment, I understand, we are contemplating whether to go to the Supreme Court of Canada on that particular issue.

**Mr. Gaunt:** The charges were laid two years ago.

**Hon. Mr. Parrott:** That's right. We have had an appeal and we won the appeal. They appealed that decision and won it. It is now up to us to decide whether or not to take it to the Supreme Court of Canada. We haven't made that decision yet.

**Mr. Warner:** Shades of Dow Chemical.

**Mr. Roy:** Answer the question.

**Hon. Mr. Parrott:** As to why that was in the correspondence, I can only look at that correspondence of some two or three years ago, and I am prepared to do so.

**Mr. Roy:** It sounds like another Dow Chemical.

**Mr. Gaunt:** The minister really hasn't answered my question, but let me pose a supplementary. Since this is another example of what appears to be an emerging pattern—we can think of Reed, Dow, and now Abitibi—where the ministry says one thing privately and then does another publicly, when is the ministry going to develop some consistency in making the polluter pay, and why hasn't the ministry brought in a system of automatic fines in a number of cases of non-compliance with control orders?

**Hon. Mr. Parrott:** I think if I have ever heard a misnomer, it is "an automatic fine." I really do believe that for automatic fines to apply, if there is such a possibility, first of all, one has to be sure one has monitored the situation correctly and accurately. That has to be proven. That isn't exactly an automatic fine. It is another illustration of where one has to make one's case. So there is no easy way of assessing an industry just by reading the meter. That just doesn't work. I think that should be on the record.

**Mr. Warner:** You paint yourself into a corner.

**Mr. Roy:** Why is the minister not consistent?

**Hon. Mr. Parrott:** I am glad the member reminded me of that and I thank him. I think

we are very consistent. The truth of the matter is that many of the prosecutions—

**Mr. Roy:** The minister is consistent in his inconsistency.

**Hon. Mr. Parrott:** If the member will be quiet for a second—

**Mr. Speaker:** Why does the member for Ottawa East have to be so consistent in his interruptions?

**Mr. Roy:** You don't want me to embarrass him, do you?

**Hon. Mr. Parrott:** Not as much as the honourable member is embarrassing himself.

One of the things we are considering in our ministry is how much we should brag about our prosecutions. If memory serves me correctly, in the last nine months between 30 and 50 charges have been laid, many of which have been successfully prosecuted. We don't, as a matter of policy—and there are valid reasons for this in law—go out and tell the world about what we are going to do relative to charges and how successful we are in the prosecutions. There is some denial of natural justice in so doing.

Perhaps that does in a political sense and a policy sense make it somewhat difficult for the members of the opposition who are genuinely interested in this issue—not necessarily the member for Ottawa East, but I am sure the member for Huron-Bruce—to know of our record in this regard. I would be more than pleased to supply members with those numbers of charges that have been laid, say, in the last six months.

**Mr. Warner:** And how much the fines were.

**Hon. Mr. Parrott:** I think members would be impressed, not only with the quantity but with the quality and the broad cross-section of people who were brought to the courts to answer for their misdemeanours, relative to the concerns of the environment.

**Mr. Samis:** Were they even fined?

**Hon. Mr. Parrott:** I think our enforcement policy is far better than perhaps the public is now aware. That concerns me a great deal. To make it better, we are going to have to appear to be bragging about prosecuting, not just the big offenders, because that offends my sense of natural justice, but we have to put the whole record here for members to see, from the very large corporations of this province to individuals.

**Mr. Samis:** Hawkesbury is a great example.

**Hon. Mr. Parrott:** That record is there. If members would like it, I would be glad



to supply it. It is a very consistent record and members would be impressed by it if they saw it.

#### ELECTRICAL IMPORTS

**Mr. Laughren:** I have a question for the Minister of Industry and Tourism. In view of the fact that we import 55 per cent of Canadian purchases of electronic goods and 28 per cent of the consumption of electrical products; and in view of the fact that annual imports of electrical goods alone, amounting to \$2.3 billion, are costing the people of Ontario approximately 52,000 direct jobs and about 150,000 jobs if one considers the spin-off job effect, will the minister tell us if he has received the report of the task force on the industry which he set up last year and, if so, if that task force report recommends the urgency of a program of import replacement?

Will the minister also tell us when he will release to the House the full recommendations of that task force report and begin a serious program of import replacement in Ontario?

**Hon. Mr. Grossman:** As I indicated during estimates, I am expecting that report in June. Soon after I get it, I will make it available, as I indicated in estimates, to the members of the House and to the public at large. Obviously, we will be responding to the recommendations of that task force.

I should also add that any study of our "shop Canadian" program will indicate that this government above all governments in this province was first into the "shop Canadian" program. It was our idea.

**Mr. M. N. Davison:** There is only one government in this province.

**Hon. Mr. Grossman:** A major component of the "shop Canadian" program is import replacement.

**Mr. Laughren:** The minister has a funny way of showing his concern when it comes to this industry by the time he is taking to respond to the need there.

Since the minister promised yesterday he would carefully monitor foreign direct investment in the fruit and vegetable canning industry in order to make sure that decision-making and ownership remained in this province in that particular industry, will he make the same commitment for the electrical industry, which is already 65 per cent foreign-owned? Will he assure us that he will reject any applications that will lead to increased foreign ownership of this industry, which is of critical importance to Ontario?

**Hon. Mr. Grossman:** I can assure the member on the first count. Of course, we always carefully monitor all the Foreign Investment

Review Agency applications with a view to the best interests of our province.

**Mr. Laughren:** You agree with them all.

**Hon. Mr. Grossman:** On the second count, I think it is overly simplistic to pretend that all applications should be either approved or rejected.

**Mr. Laughren:** You don't care about jobs.

**Hon. Mr. Grossman:** There is no question about the fact that the member's party takes a philosophical position that all FIRA applications, whether they create a lot of employment or not, ought to be turned down.

**Mr. Laughren:** It's costing us jobs.

**Hon. Mr. Davis:** If we followed what you fellows think, there wouldn't be any jobs.

**Hon. Mr. Grossman:** Our party, and I think most parties that think about it for a moment, will agree that one can't prejudice all FIRA applications. Obviously there are other trade-offs to be concerned about.

**Mr. Laughren:** We're talking about 150,000 jobs.

**Hon. Mr. Davis:** You would stop the world.

**Hon. Mr. Grossman:** For example, I want to make it quite clear to the member that if we got an application from a large firm in the electronics industry which would create a lot of long-term jobs with local decision-making and a sufficient degree of innovation so that we would have some assurance that the job flow out of that industry would stop, then the member is quite right, this government would look quite happily and positively upon that long-term, job-creating application.

Interjections.

**Hon. Mr. Grossman:** The member's party, obviously, would say if it's job-creating but foreign-owned, it doesn't want it. We take a different position.

#### ALCOHOLISM TREATMENT

**Hon. Mr. Norton:** I have an answer to a question which was directed by the member for Ottawa Centre to the Provincial Secretary for Social Development (Mrs. Birch) on Friday, May 25, relating to the matter of halfway houses for the treatment of alcoholics across the province.

I would indicate, initially, that six years ago the Ministry of Community and Social Services was funding three halfway houses for persons with alcoholic problems across the province. Today we are funding some 25 halfway houses in Ontario, from Windsor to Kenora and Cornwall, for a total of 492 beds. I believe this is an indication of



the seriousness with which the ministry has attempted to address the problem.

[3:15]

In Ottawa, we are already funding two halfway houses, the 20-bed Maison Fraternité and the 11-bed Serenity House. In Renfrew, we're funding the 20-bed MacKay Manor. In Merrickville, we fund the 15-bed Buena Vista-on-the-Rideau, and in Cornwall, the 16-bed Friendship House. Those are the eastern Ontario ones at the present time.

Our approach, I believe, has been a very co-operative one with the Ministry of Health. Most of the halfway houses funded by the ministry would not have been funded if it had not been for the Ministry of Health's seed funding, through their grants in aid committee, over a period of several years.

Funding by my ministry under the Charitable Institutions Act is 80 per cent, with the corporation having to raise an additional 20 per cent. We are funding 25 halfway house beds for women at the present time. As the honourable member noted in one of his questions, there are 17 beds in Grant House in Beaverton and eight beds in Pedahbun Lodge in Toronto.

We're not funding more beds for women at the moment because during the four-year period when we had open funding, we didn't receive further proposals for women, although they were welcomed during that period of time.

The above commitments do not count the literally hundreds of hostel beds which the ministry is also funding in which basic food and shelter and a comfortable environment is provided for persons with alcoholic problems. Moreover, we are finding that many of the halfway houses, on their own initiative, are now developing financially self-sufficient room and board operations at no cost to government for alcoholics who have completed detoxification and the first stage of rehabilitation at the halfway house. By stretching out the time frame for the alcoholic person, there are now indications the rehabilitative results are significantly improving in some of those operations.

I would suggest to the honourable member with respect to his particular interest in the Amethyst Women's Addiction Centre, he might encourage them to approach, through the municipality, the matter of funding under the hostel program. Although there is no funding at the moment for additional halfway houses, I would certainly be willing to look at any proposal that requested funding under the hostel program for that portion of their program.

**Mr. Cassidy:** Mr. Speaker, since the minister has admitted there is in fact, almost no halfway house accommodation for women alcoholics who are seeking rehabilitation, can he explain how it is that programs being shunted off and told to function like hostels are in fact going to work in a rehabilitative way, since the funding for hostels is really only enough to cover the room and board component and certainly not enough to cover any further services that may be necessary, such as counselling and those kinds of things to help alcoholics, female or male, get out of their sickness and get themselves better?

**Hon. Mr. Norton:** Mr. Speaker, the perspective on that differs depending on who one discusses it with. I would point out to the honourable member there are a number of programs that appear to be operating with considerable success, at least relatively so.

I must say none of the programs being operated are spectacular in their results, as I'm sure the honourable member understands, as a result of the very nature of the condition that's being dealt with.

I would point out there are a number of programs functioning quite well across this province under the hostel funding arrangement. Perhaps the honourable member might suggest to Amethyst House they re-examine some of their program proposals with respect to the cost implications to see if they could fit in with the other funding arrangements.

## NUCLEAR PLANT SAFETY

**Ms. Gigantes:** I have a point of personal privilege.

**Mr. Speaker:** Could it wait until after question period?

**Ms. Gigantes:** I would like to do it right now, Mr. Speaker. I would like to get it on the record right now, while the leader of the Liberal Party is still in the House.

Earlier, the leader of the Liberal Party asserted that the NDP members on the committee had insisted that any investigation by the committee of the Rolphoton nuclear plant and its safety should be held off until July.

(I have obtained a copy of the Hansard report of that committee meeting, Mr. Speaker, and, for your benefit, I would like to read exactly what I said in discussing the matter.

**Mr. S. Smith:** Read what all the members said.

**Ms. Gigantes:** "We have a very special responsibility in Ontario to look at the public safety aspects of nuclear power and the



Candu program. I agree totally with Alan"—Alan Schwartz, our legal counsel—"that to begin hearings on Rolphoton tomorrow would amount to having the lawyers, perhaps, and the petitioners involved in the Rolphoton action come before us and present their case. It would involve having Hydro and the AECB come into present their cases."

**Mr. Speaker:** Order. What the honourable member is saying is that there is a difference of opinion or interpretation as to what transpired in the committee. That is quite legitimate. But I do not think it is a legitimate way of using the time of the question period in this House. There is nothing out of order. There is a difference of opinion. I do not think any of the member's privileges have been abrogated, and I do not see any legitimate point of order or point of privilege.

**Mr. Warner:** He can twist and distort all he likes.

**Ms. Gigantes:** Mr. Speaker—

**Mr. Speaker:** Order.

### STRIKES

**Mr. O'Neil:** Mr. Speaker, I have a question of the Minister of Labour. Would he report to this Legislature on the position of two strikes in my area, one being the strike at the Pyrotenax of Canada Limited plant in Trenton and the other being the strike of the Canadian Union of Public Employees against the city of Belleville?

**Hon. Mr. Elgie:** First of all, Mr. Speaker, with regard to the employees of the city of Belleville, the member will recall that I was in Belleville recently and had an opportunity to speak to the acting mayor about the situation. I have been advised, as recently as yesterday, that there may be a meeting of the parties this afternoon about the matter. I have no information to report on that meeting, naturally, but I think the fact they are getting together is very important.

As to the question of the Pyrotenax company in Trenton, it is my understanding that the mediator, Romaine Verheyen, has arranged for a meeting of the parties on Monday afternoon.

**Mr. O'Neil:** As a supplementary, could I ask the minister if it would be possible for him to speak personally to the people who are handling especially the strike at the Pyrotenax plant at Trenton, to see if they would approach it to try to get a quicker solution? They have been accused of not being too enthusiastic, or not trying to get the parties together to come up with a solution.

**Hon. Mr. Elgie:** I cannot let that go by without a comment because, frankly, I think the mediators usually do a superb job, and everywhere they go they receive praise for the energetic way in which they try to mediate without meddling. Romaine Verheyen, the mediator who is going to be bringing the parties together on Monday, is one of our finest mediators. I will be pleased to reinforce the member's concerns with him, but I would also like to reinforce the support that I feel I have for those mediators.

### CHILD SUPPORT PAYMENTS

**Mr. McClellan:** Mr. Speaker, I have a question of the Minister of Community and Social Services. I wonder if the minister would be prepared to give us the specific locations of the labour camps in northern Ontario in which comrade minister is proposing to incarcerate persons who are delinquent in their child support payments?

**Hon. Mr. Norton:** Mr. Speaker, I am sure that today's press release by the honourable member is one of his more colourful ones. I thought that he might refer to me as the tinpot demagogue, as he did in the—

**Mr. McClellan:** Okay; tinpot demagogue.

**Hon. Mr. Norton:** I am sure that the honourable member realizes that, on occasion, people other than himself might engage in a little hyperbole and rhetoric.

Obviously the point I was trying to make was that, in my opinion—and this is what I was trying to express—there are certain limits to the bounds of appropriate behaviour in any community. It seems to me that when we, in this society, see about us fathers who have abandoned their children and their wives, and who are in a position where they could afford to continue to support those people, that is inappropriate behaviour. That is behaviour that I do not, and will not, condone.

**Mr. McClellan:** Everybody agrees with that. Let the minister tell us about his fatuous deductions.

**Mr. S. Smith:** This isn't the first year it happened.

**Mr. Speaker:** Order.

**Mr. McClellan:** Everybody agrees with that. Tell us about your fatuous suggestions.

**Hon. Mr. Norton:** Realistically, the member understands and I understand, and I believe everyone in the House understands, that there are other ways of enforcing those orders which were discussed here in the House yesterday. When I was asked how I



felt about it, I obviously engaged in a little rhetoric—

**Mr. Bradley:** The member for Sarnia (Mr. Blundy) had to chase you.

**Mr. McClellan:** Impetuosity overcame you.

**Hon. Mr. Norton:** —to try to point out that that was behaviour I really thought should be condemned by our society; and figuratively speaking, it's the kind of behaviour for which one ought to be banished from our society. I stand by that.

**Mr. Martel:** You said northern Ontario was Siberia.

**Hon. Mr. Norton:** Obviously there are no such labour camps in existence or contemplated.

**Mr. Bradley:** You got the headlines; the member for Sarnia gave them to you.

**Mr. McClellan:** Supplementary: Leaving aside the Siberian solution, I don't understand, and I would like the minister to explain, what is the big difficulty the government has in persuading the family court judges to issue garnishees or attachment of wages against people who are delinquent in their child support payments? What is the big problem here?

**Hon. Mr. Norton:** In terms of those specific aspects, I think that question might more appropriately be referred to the Attorney General (Mr. McMurtry).

**Mr. Warner:** Redirect it; let's get an answer.

**Mr. McClellan:** I will redirect it.

**Mr. Bradley:** He's about to leave the House.

**Hon. Mr. Norton:** But I would point out that I do believe the system of automatic enforcement is one possible answer.

**Mr. Breithaupt:** You could check out Minaki, it isn't being used.

**Mr. McClellan:** What excuse is there for your failure to deal with the issue?

**Hon. Mr. Norton:** There is also, I think, an important responsibility upon all of us in this chamber, and others assuming certain responsibilities throughout our society, to clearly get the message across that with or without changes in the methods of enforcement—

**Mr. McClellan:** Enforce the law; never mind the lectures, enforce the law.

**Hon. Mr. Norton:** —there is such a thing as responsibility—

**Mr. Warner:** You've shirked yours.

**Hon. Mr. Norton:** —and the fathers of those children have a responsibility. It should not

be up to government in every case to expend money to see that people live up to the responsibilities they have assumed for their children and families.

**Mr. Warner:** You've shirked your responsibility.

**Mr. McClellan:** May I redirect?

**Mr. Speaker:** The member for Nipissing.

**Mr. Bolan:** Does the minister not think he owes the people of northern Ontario an apology for thinking they are nothing more than some kind of a cesspool for those people of southern Ontario who are not doing what they should be doing? It's his ministry's responsibility. Why doesn't he hold up his responsibility?

**Mr. Swart:** That's two of you, you and Stuart Smith.

**Mr. Warner:** He wants to close Windsor and you attack the north.

**Hon. Mr. Norton:** I now know who placed that anonymous and mysterious telephone call to my office first thing this morning.

**Hon. Miss Stephenson:** The member for Nipissing.

**Mr. Bolan:** I wish I had thought of that.

**Ms. Gigantes:** It's really funny, eh?

**Hon. Mr. Norton:** Obviously there was no slight intended for northern Ontario—

**Mr. Bolan:** Apologize.

**Hon. Mr. Norton:** —but having made a passing reference to Siberia, and having decided that probably the Russians wouldn't want them, I had to find an alternative.

**Mr. Speaker:** The member for Brant-Oxford-Norfolk.

**Mr. Nixon:** With a new question.

**Mrs. Campbell:** Oh, Bob.

**Mr. Nixon:** I'm not in default of any of my payments.

## STRAWBERRY MARKETING

**Mr. Nixon:** I would like to ask the Minister of Agriculture and Food if he recalls the situation about a year ago when imported strawberries replaced those produced on our own farms, resulting in a financial loss to our own producers and the plowing over of so many acres of the producing strawberries, particularly in the Norfolk area? Whether he recalls it or not, does he have a program whereby we are going to see that our locally-grown strawberries are put into the stores at a price from which the producers would benefit as well as the consumers?

**Hon. W. Newman:** I didn't know the member had planted so many strawberries.



**Mr. Conway:** Let Joe Clark have them in his cabinet.

**Hon. W. Newman:** Anyway, I would like to point out to the member that I recall very well what happened last year. If he will recall, in the final analysis as far as strawberries were concerned last year, most, if not all of the top quality strawberries, were moved onto the market and sold.

**Mr. Kerrio:** What you said was let them eat shortcake.

**Hon. W. Newman:** Because the member saw certain pictures and certain things happened—but he has the background on that story now because he knows I told him what had happened.

**Mr. Nixon:** It was in my riding. Don't tell me what happened. I was out in the fields.

**Hon. W. Newman:** Last year, I want to make it very clear, most Ontario strawberries were moved out. What I'm saying is that this year, through our Foodland Ontario program—

**Mr. Gaunt:** Tell us about Ontario food land!

**Hon. W. Newman:** Do you want to listen or not? Through our Foodland Ontario program, in co-operation with the chain stores, we are hoping that—unfortunately, because of the way the weather is this year—

**Mr. Roy:** If there is a problem, it's the feds' fault.

**Hon. W. Newman:** It looks as though all of the strawberries could come on again at the same time this year, the way things are shaping up. We are making every effort to work with all those concerned to make sure the Ontario strawberry crop is moved onto the market and moved out so that the farmers will not suffer.

**Mr. Kerrio:** Can't you bring some of them on sooner?

[3:30]

**Mr. Nixon:** Supplementary: Can the minister explain to the House whether or not "every effort" means having someone on his staff go to the big supermarkets and actually arrange for the crop to come in and be featured in the major urban centres? Does he recall that only Knob Hill Farms last year carried the strawberries—maybe as a loss leader, I don't know. That was the only concern that really moved any significant number of fresh strawberries in the Toronto market, the rest were all coming in from California and Mexico.

**Hon. W. Newman:** It is all very well to make statements like that, but—

**Mr. S. Smith:** Driving down the domestic prices.

**Hon. W. Newman:** The member knows so much. I am amazed he is there. He wouldn't know a strawberry from—I won't get into that.

We will be working with the chains; we did get co-operation from them last year. There was a back-up at the first when US strawberries were coming in, but one thing these members forget is—no, I am sorry, things have changed. If a certain party dropped tariffs in 24 hours and had they put those same tariffs on they said they were going to put on we wouldn't be faced with a problem at all this year. We are doing our part, but they didn't do theirs.

**Mr. Makarchuk:** In view of the fact the testimony that was given to the public accounts committee by representatives on the Ontario Food Terminal operation indicated they did not have a policy of giving preferential treatment to Canadian or Ontario growers, would the minister talk to them and ensure that Canadian growers of strawberries and everything else get preferential treatment? Alternatively, would he ensure there is a policy within that organization to ensure that Canadians get first chance at selling their crops vis-a-vis the Americans?

**Hon. W. Newman:** I doubt if the member has ever been out to the food terminal, nor does he have any idea how it works or even operates. Has he been there?

**Mr. Makarchuk:** Yes.

**Hon. W. Newman:** All right.

**Mr. Speaker:** Does the minister have a response?

**Hon. W. Newman:** Yes, I do, Mr. Speaker. I would be glad to respond and point out there are many stalls out there for the farmers of this province.

**Mr. S. Smith:** There's one right now.

**Hon. W. Newman:** There is one for that member too. There are many out there for the use of the farmers who bring their produce in to sell wholesale to all the buyers for all the stores across the province.

As far as the wholesale houses are concerned, they lease space on a long-term lease basis. I think it is a 30-year lease, renewable. They lease space and we have no control over what they handle.

As far as the others are concerned, farmers by the hundreds and thousands do bring their produce in there to sell each day. The member should go out there some morning at six o'clock to see it.

#### OHC EVICTION

**Mr. di Santo:** I have a question for the Minister of Housing. Is the minister aware of



the case of a North York tenant who was evicted last week by Ontario Housing? Subsequently, while the case was in court, the eviction order was cancelled by Ontario Housing. The OHC lawyer told the court on Thursday he was unaware of any action taken by the housing corporation to nullify the already-executed eviction.

Can the minister tell us if he has investigated and if he has found some responsibility in the spiteful behaviour of Ontario Housing officials and if he is ready to punish the responsible people?

**Hon. Mr. Bennett:** I am aware of the situation that developed last week and I believe it has corrected itself. Clearly there had been an experience with that tenant for some period of time in rent arrears. There had been a court order obtained by the Ontario Housing Corporation back in December, which was not acted upon, on legal advice, until later on in the year.

As a result of further discussions with that tenant, with her legal counsel and the lawyers representing Ontario Housing Corporation, to the best of my knowledge the problem has been resolved.

#### NUCLEAR PLANT SAFETY

**Ms. Gigantes:** I attempted to cite a question of personal privilege earlier in the question period. The Speaker suggested that it was a question of opinion about what the facts had been in the case. I believe there was a misstatement of fact which may have been caused inadvertently by the leader of the Liberal Party because he was misinformed by members of his caucus about what had happened at the select committee. I would like to bring those facts back to your attention because I feel my privilege as a member of the House and as a member of that committee has been abridged.

**Mr. Speaker:** Is the honourable member suggesting that her privilege has been infringed upon because somebody disagreed with her?

**Ms. Gigantes:** No, Mr. Speaker. I am suggesting that the problem is not a difference of opinion about what happened, but rather a difference of fact. The facts as presented by the Liberal leader, however inadvertently, were misleading to this House and were an infringement on my privileges as a member. I would like to read the section from the select committee deliberations in which the question of whether we would consider the Rolphton safety question before July was discussed. The Leader of the Liberal Party

said that the NDP members had not been willing to discuss the matter before July. What I said on page HA-1535-2, Mr. Speaker, was: "We have a very special responsibility in Ontario to look at the public safety aspects of nuclear power and the Candu program. I agree totally with Alan"—Alan Schwartz—"that to begin hearings on Rolphton tomorrow would amount to having the lawyers, perhaps, and the petitioners involved in the Rolphton action come before us to present their case. It would involve having Hydro and the AECB come in and present their cases, but we would have none of the incident reports. We would have none of the documents we can obtain from Hydro concerning this particular plant, which would help us in our questioning on this matter. We must settle how we get hold of those documents, which ones we will have and when they will become available to us as a committee before we can undertake any satisfactory hearing of the question."

Mr. Speaker, I suggest to you that these lines from Hansard indicate that it was my concern, as a member of that committee, that we have those documents, which are starting to be made available. The steering committee of the select committee is meeting with Ontario Hydro tomorrow to obtain the first documents. My only concern about starting the hearings early was that we would be proceeding before we had adequate documentation on which to question either AECB or Ontario Hydro. I therefore feel that it is incumbent on the Liberal leader to—

**Mr. Speaker:** Order! What the honourable member has said just confirms what I aduced from what was said: there is a difference of opinion as to what transpired, what was said, what was intended in the committee. Surely, it's not an abrogation of your privileges as a member of this House. There is obviously a difference of opinion, but don't ask me to adjudicate it.

#### MOTION

##### PRIVATE MEMBERS' BUSINESS

**Hon. Mr. Grossman** moved that notwithstanding the orders of the House, the order of precedence for private members' public business be changed so that Mr. Epp's ballot item be listed and called for debate June 14, Mr. Ruston's ballot item be listed and called for debate June 21, and Mr. Reed's ballot item be listed and called for debate on July 12.

Motion agreed to.



## INTRODUCTION OF BILLS

### MUNICIPAL AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 103, An Act to amend the Municipal Act.

Motion agreed to.

### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 104, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

Hon. Mr. Wells: Mr. Speaker, this bill proposes a number of amendments to the Municipality of Metropolitan Toronto Act, many of them requested by Metropolitan Toronto council. It will authorize the council to impose terms and conditions when delegating its powers to lease or license the use of sidewalks and untravelled portions of Metro roads to an area municipality. It will exempt the O'Keefe Centre from realty and business tax and it will authorize the O'Keefe employees to join the Ontario Municipal Employees Retirement System, that is the OMERS pension system.

The bill will extend to the Metropolitan Toronto council certain powers given to local municipalities and counties in the Municipal Amendment Act, 1978, number 3. These are the authority to provide liability insurance for members of council and local boards to invest in credit unions, to accept historic documents and to control parking on municipal property.

It will enable the metropolitan corporation to control the effluent discharge from area municipal sewers into Metro's trunk sewers and treatment plants, and finally, it will increase the maximum rates of interest that the metropolitan corporation may charge an area municipality for failure to pay its levy from one per cent to one and a quarter per cent per month.

### CONDOMINIUM AMENDMENT ACT

Hon. Mr. Drea moved first reading of Bill 105, An Act to amend the Condominium Act, 1978.

Motion agreed to.

Hon. Mr. Drea: The proposed amendment to the Condominium Act, Mr. Speaker, is to delete the requirement in section 53(3) for a proposed declarant to pay interest on the moneys received on account of the purchase price prior to delivering title to the purchaser. The amendment is necessary be-

cause of the addition in the new act to section 51(6) which sets the limit on the amount of rent or occupancy charge which a purchaser may be required to pay prior to receiving title.

The original intention of the requirement for payment of interest was to ensure that a purchaser of a proposed unit was in no worse position than a purchaser of an actual unit who received title. The limitation on the amount of rent to be charged contained in section 51(6) ensures this continuance. The additional requirement for payment of interest is inequitable.

### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Mr. Epp moved first reading of Bill 106, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

[3:45]

### AGRICULTURAL INVESTMENT DISCLOSURE ACT

Mr. Riddell moved first reading of Bill 107, An Act to provide for disclosure of non-resident investment in agricultural land in Ontario.

Motion agreed to.

Mr. Riddell: The purpose of the bill is to establish a means of ascertaining the nature and extent of non-resident ownership of agricultural land in Ontario. The bill requires every non-resident person, as defined in the act, to submit a report to the Minister of Agriculture and Food concerning each purchase of agricultural land. The bill also requires land registrars in Ontario to inform the minister about every conveyance of agricultural land registered by the land registrar that bears an affidavit indicating that the transferee is a non-resident person.

The minister must report to the Legislative Assembly on an annual basis concerning the nature and extent of non-resident ownership of agricultural land and the report is then referred to a standing committee of the assembly for consideration.

### PUBLIC ACCOUNTANCY AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 108, An Act to amend the Public Accountancy Act.

Motion agreed to.

Hon. Mr. McMurtry: The present section provides for a \$25 maximum on fees. This



maximum has remained unchanged since the act was first passed in 1950. The amendment permits a counsel to set the fee, subject to the approval of the Lieutenant Governor in Council.

#### EVIDENCE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 109, An Act to amend the Evidence Act.

Motion agreed to.

Hon. Mr. McMurtry: The amendment to this legislation permits the use of the official translation of statutes in French-language proceedings.

#### ADMINISTRATION OF JUSTICE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 110, An Act to amend the Administration of Justice Act.

Motion agreed to.

Hon. Mr. McMurtry: The purpose of the bill is to authorize the fees payable in court proceedings for the services of court officers to be fixed by regulation made by the Lieutenant Governor in Council. Fees are now fixed under the rules made by the rule-making body for each court. The amendment will create the machinery to fix a more realistic tariff of fees.

#### JUDICATURE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 111, An Act to amend the Judicature Act.

Motion agreed to.

Hon. Mr. McMurtry: Mr. Speaker, this legislation contains a number of amendments of a routine nature, including an amendment to complement the proposed changes to the Administration of Justice Act with respect to tariffs and fees payable to court offices.

As well as a number of routine amendments, there are several substantive amendments, which are as follows: Section 4 provides for interest to be payable on judgments at the prime rate. Section 5 provides for the divisional court to sit as a single judge in certain instances. Section 6(5) permits the rules committee of the Supreme Court to fix a rate of interest to be applied in determining the capitalization value of an award in respect of future damages.

#### COUNTY JUDGES AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 112, An Act to amend the County Judges Act.

Motion agreed to.

Hon. Mr. McMurtry: Mr. Speaker, the purpose of this legislation is to remove the term "junior judge" from the amended act and related acts. The term "junior judge" has no significance as far as jurisdiction is concerned, but the amendment has been brought in because the term "junior judge," although it may well have been appropriate at one time, no longer accurately reflects the nature of the office and the duties performed.

#### PROVISIONAL COURT (CIVIL DIVISION) PROJECT ACT

Hon. Mr. McMurtry moved first reading of Bill 113, An Act for the Establishment and Conduct of a Project in the Municipality of Metropolitan Toronto for the Development of Improved Methods of Processing Certain Civil Actions.

Motion agreed to.

Hon. Mr. McMurtry: Mr. Speaker, this legislation refers to the statement I gave earlier establishing what might be termed more succinctly as the Provincial Court (Civil Division) Project Act.

#### SCHEDULING OF BUSINESS

Mr. Martel: On a point of order, Mr. Speaker: I want to obtain your assistance in the matter that was being debated this afternoon with respect to the way in which the business of the House is conducted.

I realize the Speaker cannot thrust himself into ruling whether or how things will be debated, but the impression the acting government House leader is trying to convey to the House is that once the order of business is scheduled on Thursday of one week, it cannot be altered under any circumstances during the next week. In fact the minister today already went against his own suggestion when he moved the change in orders for the private members' bills. That was not discussed with anyone, although I did not raise the matter at the time.

If the government House leader is going to play that type of game, which he tried to imply this afternoon he was prepared to play, then he should not be allowed to introduce a motion such as he just introduced saying we are going to change the order of business.



I can give you at least five illustrations, Mr. Speaker, where the House leader had arranged an order of business on a Thursday and the government was forced to change it the following week. I remind the acting government House leader that the government introduced three bills on a Tuesday evening which were not scheduled for debate. I can remind him of the member for Prince Edward-Lennox (Mr. J. A. Taylor) who decided he would withdraw from the private members' debate on the spur of the moment last Thursday. I can remind him of the fact that the Minister of Northern Affairs (Mr. Bernier) didn't come into the House because he was fogged in—it's not unusual, but he was fogged in that day—

**Mr. Laughren:** It has nothing to do with the weather either.

**Mr. Martel:** —and the order of business had to be altered. In this case they are hanging their hat on that because they don't want to debate the matter; they don't want to sit down and discuss it. Yet when it is convenient to change the order of business, long days after the order of business has been read for the following week, the government prevails on everyone else around here to change that order of business.

They can't have it both ways, Mr. Speaker, and I am asking you, sir, if the government is in a position where something which was scheduled cannot proceed are we in a position to see the House adjourned, as was the case when the member for Prince Edward-Lennox did not proceed with his bill, or when the government introduces three bills because it had run out of business?

Am I to assume that in the future when something occurs which changes that order of business we simply return to our offices? From what the acting government House leader said today, the order can't be changed once it had been debated last Thursday. It is etched in stone when it is convenient for the government, but it can't have it both ways. I have no objection to a change in the order to accommodate the member from Fort Frances, but there was no discussion.

What they are playing over there is a little game that can't be tolerated. It's either what's announced on Thursday at 3:30 p.m., or it's not. If they want to change the order of business as a matter of accommodation then they have to do the same as the Liberal House leader or myself when we have problems that arise. I think what they are attempting to do is simply nonsense. If they want to proceed that way, there is no way this House can work with any type of har-

mony. I would ask your intervention, Mr. Speaker, on that basis.

**Hon. Mr. Grossman:** Mr. Speaker, if I may quickly respond, to correct the record, I really didn't say earlier that the schedule as agreed upon was etched in stone. The system is that the House leaders get together and try to agree, so that everyone will know what the order of business is for the following week.

In deciding from time to time whether we are going to accommodate certain things that happen which more or less are unforeseen, obviously, the history of how these things came about is quite relevant to the considerations that the House Leaders have to make. What I was pointing out to the House earlier was that nothing had changed from Wednesday afternoon to today, and nothing had changed from Wednesday afternoon until Thursday when the House leaders met and could have gone through all of the matters that have been raised today.

All the circumstances were known at that time and, clearly, lest the impression be that the NDP House leader has been badly dealt with by the other House leaders, we should make the record quite clear. The items he is complaining of were not in fact discussed at the traditional tribunals and meeting places and times established by the three House leaders.

He then comes to the House this week and suggests that he is being unfairly dealt with because matters which were foreseen by him, fully known to him and his party last Thursday at noon, now they have decided they are unhappy with the decisions they made, so they are appealing to this House, alleging that someone is saying the order is etched in stone, or that someone is being unco-operative. In fact, the very harmony the member refers to depends upon all these matters which he is aware of being discussed at the regular meetings on Thursday so that the House can be informed on Thursday afternoon on the basis of all the facts which everyone has at hand at that time.

To come in this week and to suggest that there there is now something that is urgent or pressing that wasn't known about last week is to attempt, by the very nature of that allegation, to destroy the very harmony the member suggests he is so anxious to preserve.

**Mr. Martel:** That's not quite factual, because—

**Mr. Nixon:** Don't we have any business to do here?

**Mr. Martel:** —I went to the government House leader Friday morning. I didn't wait



until this week. The report my colleague moved was moved Thursday afternoon after the House leaders' meeting. The statement by the Minister of Energy was in fact made Thursday afternoon after the House leaders met. So he can't play that game. I simply ask the acting government House leader how he moves a motion today about switching the order for private members' bills in consultation? When did that occur?

[4:00]

**Mr. Speaker:** Obviously there's a difference of opinion as to the process between the House leaders. As I indicated earlier, when it was raised during question period, it is not within the domain of the chair to order the business of the House. The matter is closed.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Grossman:** Mr. Speaker, I would like to table the answer to question 185 and the interim answers to questions 182, 183, and 184 standing on the notice paper. (See appendix, page 2326.)

#### ORDERS OF THE DAY

House in committee of the whole.

**Hon. Mr. Grossman:** Mr. Chairman, perhaps I might confirm that with the consent of the opposition House leaders the votes on these matters will be stacked to 5:45 this afternoon.

**Mr. Chairman:** Is the committee agreed to that suggestion?

Agreed.

#### NIAGARA MUNICIPAL HYDRO- ELECTRIC SERVICE ACT

Consideration of Bill 29, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Niagara.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Swart:** Mr. Chairman, the members of both of the other parties will have received an amendment from me some time ago on section 4 of this bill. I would like to move that motion now.

**Mr. Chairman:** Mr. Swart moves that section 4(17) of the bill be amended by adding thereto the following clause:

"(c) may direct, before the first day of October 1979, the the commission established by section 2 in respect of the municipality to commence on a day specified by the bylaw the distribution and supply of power in some areas of the municipality that Ontario Hydro

served immediately before the coming into force of this act and on the specified day subsections 10 and 12 to 16 and section 7 shall apply with necessary modifications to the assets and employees of those areas of Ontario Hydro in the municipality."

**Mr. Swart:** Mr. Chairman, I think the intent of this amendment is clear to all members of the House, but perhaps I should point out the general part of subsection 17 which reads as follows: "The council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the township of West Lincoln, with the consent of Ontario Hydro and without the assent of the municipal electors, by bylaw, . . ."

There are two clauses following, the first of which may direct the commission to service the whole municipality and the second which may dissolve the commission. This adds a third section which would provide that the municipality, before October 1, may review the commission boundaries within their municipalities and pass a bylaw which would establish boundaries which would be different from those which existed 10 years prior to this time when the municipal Hydro commissions were frozen.

It is my hope that the parliamentary assistant, the member for Durham West (Mr. Ashe), will reconsider and accept this amendment. I suggest that it is a logical amendment, after the steps which the government has taken to change the general program for restructuring hydro in this province. The member for Durham West will remember that the original intention of restructuring hydro was to provide for hydro authorities to be established at the regional level where regional governments existed. Subsequent to that, the government changed its policy so that local municipalities could be the authority for providing hydro within that municipality.

**Mr. Haggerty:** Isn't regional hydro what the government wanted?

**Mr. Swart:** Subsequent to that, the government backed down once again and decided that it would permit two authorities within a municipality to provide hydro, one the rural hydro and the other a hydro commission to serve a given area.

This amendment would not be before this House today if the government hadn't taken that last step to permit two authorities to provide hydro within the local municipality. But that step has been taken. I suggest to the government and to the other members of the House that if we are going to have two authorities within a municipality, the



local hydro commission basically to serve the urban area of the municipality and then Ontario Hydro serving the rural section of the municipality, there should be a logical division between those two areas.

I suggest to the parliamentary assistant that that logical division in the Niagara region is not the urban boundaries which existed 10 years ago. There has been, as he must be aware, although he lives quite a way from the Niagara district, an expansion of those urban boundaries. Incidentally, I'm dealing here with a situation that doesn't exist in my riding in the municipalities of Welland and Thorold because by this act the whole municipality is put within one commission.

**Mr. Haggerty:** Is there not a problem in Thorold though?

**Mr. Swart:** There may be a problem in Thorold but the amendment that I'm introducing will not deal with that problem. In fact, the council of Thorold has determined that it will go ahead and have one hydro commission to serve the whole municipality.

What this deals with is the problem that exists in Niagara-on-the-Lake, in Lincoln, in Grimsby, in West Lincoln and in Pelham. In at least four out of five of these municipalities, the old boundaries of the hydro commission, which were the old boundaries by and large of those small urban municipalities which were amalgamated with the neighbouring rural municipalities, no longer represent the urban boundaries in those municipalities.

For instance, in west Lincoln the unincorporated village of Smithville had a hydro commission to serve it before. It was a police village at that time. By this bill, the government has re-established the same boundary area, but four new subdivisions which had been built at that time continue as the old urban area of Smithville and they will be left on the rural hydro system where rates will be 10, 20 or 30 per cent more than those within the municipal hydro commission boundaries.

It is so absurd, in fact, that half of one subdivision there will be served by the West Lincoln Hydro-Electric Commission and the other half will be served by rural Hydro. A population of about 700 in the Smithville urban service area of West Lincoln will be served by rural Hydro.

The situation is very similar in Pelham, where about one quarter of the population around the old village of Fonthill—again in a contiguous urban area—will be left in the rural Hydro system, yet their neighbours right across the street will be paying the lower urban hydro commission rates.

The same holds true in Niagara-on-the-Lake. In fact, the member for Lincoln is now here and, although he does not represent Niagara-on-the-Lake, he represents three of the other municipalities where there is concern. In Niagara-on-the-Lake they have officially requested that the subdivision area of Mississauga Beach be included within the Niagara-on-the-Lake Hydro-Electric Commission boundary. This, of course, will prevent that.

Grimsby is in much the same situation; there has been substantial growth outside the old urban municipality of Grimsby, and that contiguous urban area should be taken into the new hydro commission.

I would think that the government, represented here today by the parliamentary assistant, the member for Durham West, in a bill which in effect is establishing hydro commissions, would want to establish them on realistic boundaries. When he rises to speak on this, I hope he will explain what he expects to happen in the future with regard to these areas. He must be aware that the Niagara Peninsula, like much of the rest of Ontario, is not growing at the rate at which it grew previously. He must be aware that some of the municipalities, such as the Smithville area, have very real limits on how far they can grow because of the services which can and cannot be provided in that area. He must also know that in some of those municipalities, the West Lincoln area in this century, and perhaps for many decades after that, it is unlikely that the municipality will be able to take over the whole hydro system, which is an option provided in this bill.

The alternative, unless my amendment carries, is that we must carry on with half of the urban area being served by the West Lincoln Hydro-Electric Commission, a municipal commission, and the other half of that contiguous urban area, inside the same urban service area, being served by Ontario Hydro's rural system.

I suggest to the government that it makes no sense whatsoever to have those kinds of conditions existing when a bill is now before us to establish hydro commissions.

I also say to the parliamentary assistant that the reason given in the debate on second reading of this bill for not extending these boundaries almost amounts to blackmail against the municipality and totally misrepresents what I said in this House at that time.

[4:15]

After I spoke, in his reply he said: "I think it's also fair to say that there's no doubt, leaving it this way with the existing boun-



daries with the ultimate choice—and the choice will be local to expand to the boundaries of the municipality—yes, it would ultimately put, I would think, some pressures on the council to look at that, and possibly ultimately make a decision. But if they always knew that they could just expand it another street or two would they really ever take on that task and take on that responsibility? No, they would turn around and blame it all on Ontario Hydro for raising their rate levels higher than the local percentage increases, which as I mentioned in terms of numbers has to be inevitable”

First of all, he infers that my amendment which I had spoken to would give the municipality the right at any time to take in another street or two, and of course that is not the case. Once this bill is passed and once my amendment is passed, as the parliamentary assistant well knows, there will be no further changes in those boundaries unless this government, or the government that happens to sit here at that time, brings in further amendments. There will be no changes. This is not the old system. All we're proposing here is we set realistic boundaries at this time on those hydro commissions within the basically rural municipalities.

Second, when he states that he thinks it would put some pressures on councils to look at that and possibly ultimately make a decision, ultimately make the decision to go out to the limits of their boundaries, he must be aware that several of these municipalities will never get to that state, at least in this century, and as I have said before perhaps not for many decades after. Would the honourable member suggest—does he know the Smithville area—how many decades he would think it would be before that municipality could afford to take in all the rural hydro systems? I don't know whether the honourable member has looked at this report, but if he looks at it and reads the estimates of the costs to that municipality if it did that, where rates would have to increase by 30 or 40 per cent even above the rural hydro rates, he must be aware that they cannot possibly do that anytime in the foreseeable future. With the slower population growth generally, this is going to be true of all of those five municipalities within the Niagara region.

So I just say to the parliamentary assistant, and to the members on my right, that it does make a lot of sense if we are establishing, within a rural municipality, a commission to service the urban area that it should take in all of the urban area as it exists today, not just half of it or two thirds of it.

Certainly if we were establishing new commissions now and there were no commissions in existence, he wouldn't think of drawing the lines where he is drawing them under this bill. He couldn't possibly think of doing that. He would take a realistic look at it, consult with the municipalities and say: "What portion of your municipality should be within that hydro commission boundary?"

I say there are going to be real problems and real resentment if this amendment is not passed, because people who have looked forward to getting within those urban hydro serviced areas when the freeze was lifted, now find they are going to be left out, now find their rates will continue to be 20 or 30 per cent higher than those across the street from them; even though they are paying the same sewer rates and the same water rates and they have curbs and gutters and are totally urbanized for all other purposes. They are still going to be connected to the rural hydro.

The final point, Mr. Chairman, a final argument that I want to make for this, is that it makes eminent sense not to set up two systems side by side, two full systems to serve an urban area which is divided. It makes good, economic sense to have one transformer station, one system serving that area. So I would ask the members to give favourable consideration to an amendment which simply gives the option to those five municipalities to take a look at the urban areas within their municipalities and see what is the logical hydro service area for each municipality.

There's no compulsion in my amendment, as you will recognize. They can determine, if they wish, to stay with the old area. I suggest none of them will, and that's one reason they should be consulted. But it gives them the option to stay with the old area, to move out to what is a reasonable service area or to take in the whole municipality.

I am thoroughly convinced this is what the municipality wants there. I am thoroughly convinced it makes sense. I am thoroughly convinced that when the government has backed down on the position it has, that it is going to allow two authorities to provide hydro within one municipality, there should be some regional division of the area that is going to be served, not the rural hydro serving a rural area plus half the urban area and then the urban hydro commission just half that urban area. It makes no sense whatsoever and that's the reason there's an amendment before you to make a logical division in those five municipalities.



**Mr. Haggerty:** Mr. Chairman, I want to address myself to the amendment proposed by the member for Welland-Thorold. The new section included is section (c) and I make reference to section 17(a). The only change I see in this amendment is that under (a) it is "may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the bylaw distribution and supply of power in all areas of the municipality." The amendment that has been proposed is "may direct before the first day of October, 1979, a commission established by section 2 in respect of municipalities to commence on the day specified in the bylaw the distributions and supply of power in some areas of the municipality."

There may be a difference there, but the intent of the bill could indicate we want the regional reconstruction of Hydro there to remain status quo. I suggest to the member for Welland-Thorold perhaps he should move an amendment in reference to the explanatory note that the customers in Wainfleet will continue to be served by Ontario Hydro until the council of the township of Wainfleet establish a hydro-electric commission for the township. Until the commission is established, that council is required to review the distribution and supply of power and the township at least once every three years. I suppose there are difficulties in a number of municipalities that have been mentioned—Grimsby, Lincoln, Niagara-on-the-Lake, Pelham; perhaps there are even other areas—West Lincoln for example, there is a problem.

I think it was mentioned in one of our discussions with the minister in Thorold where there may be some difficulties in extending the hydro utilities out into the rural areas. That could cause considerable cost, providing that service out there by the local utility.

I would go along with an amendment to the whole bill in the sense that if you are going to move in that direction, then perhaps we need further assessment and review of the situation in these outlying areas. I don't think the bill should be held up on the basis that this amendment is going to solve the problems. After all, if you look at the purpose of regional government it is to enable municipalities to become more viable.

I suggest if we are going to use that term "more viable," then municipalities should be able to handle the adjustment as it relates to restructuring hydro utilities in the community. Sure, it is going to be an additional cost to many customers in these areas. If you go

back to the establishment of regional government, Mr. Chairman, we had what was called proposed uniformity in water and sewer rates—that does not take place because a different cost is assessed to each municipality and cost may vary at a considerable charge to that locality.

No matter how we move into restructuring hydro-electric utilities within the region as proposed under this bill, we are not going to have uniformity in the cost of electrical energy to the customers because there is a different need, a different environment, from one municipality to another. We will never attain that goal under a single tier or under the proposal in this bill that it remain at the local municipality level.

I am not quite clear on "some areas." I think the mover of the amendment should spell out just what municipalities he is discussing under "some areas." "Some areas" could refer to almost every municipality because it means there is going to be an additional cost to these areas.

As I discussed in the original debate, in the second stage of the debate here, I was concerned about the cost of adjustment, the capital debt cost to these municipalities. There are some cases where municipalities may have difficulty in financing the scheme. I look to the member's assistance there. Perhaps this is one area we should be taking a close look at, whether some of these municipalities can afford the change from rural Ontario Hydro to a public utility hydro commission. I suggest they may run into some difficulties but I don't think it is any reason that the bill should not be moved forward. Maybe the member for Welland-Thorold will consider including these municipalities with the township of Wainfleet which was excluded from this particular bill pending review in one or two or three years. Maybe we should be looking at that as a possible solution if these municipalities are going to be severely hit on cost.

I don't like to see customers charged too much for the use of hydro-electricity in the area. My secretary in Toronto tells me that her Toronto bill is similar to mine in rural Sherkston. I am a customer of Ontario Hydro and there isn't much difference between the cost of my hydro and the cost to some hydro users in Metropolitan Toronto. I wish the member would be more specific as to the meaning of "some areas."

It is unfortunate that perhaps through poor planning over the past number of years, we have allowed urban sprawl to take place in a number of communities. It has happened in almost every community within the re-



gion. Through that type of planning, or no planning at all, we have to suffer the cost today; somebody has to bear the cost, particularly that municipality, I guess, until the matter can be corrected.

So I would like to have further explanation of just what the member means by "some areas" of municipalities. Does he wish it to remain as status quo? Are we going to have two hydro commissions in a municipality, such as the local utility and Ontario Hydro, continuing with their present program? I interpret this amendment to mean it would maintain the status quo.

[4:30]

**Mr. Hall:** Mr. Chairman, I spoke at length on my opposition to the principle of this bill on second reading. I do not intend to go over old ground again. The member for Welland-Thorold has proposed an amendment to the bill which is a substantial amendment. It is my impression he supported the bill in principle when it was put forth, but now wishes to make a major change in it.

In my earlier comments I said I would it not be more fair to provide an option to local municipalities to adjust local boundaries. I certainly felt there was some logic in the member's comments along this line and I share some of that logic, bearing in mind boundaries and these commissions were frozen many years ago and a lot has happened since that time. Yet, in the bill as proposed we are sticking either to the option of the boundaries that existed prior to the 1970 regional government or, indeed, a commission which would take over the whole of any given municipality.

For those in the House who do not see the import of this, if they are not in a constituency of a regional nature, municipalities have of course grown tremendously in size and they are not the same municipalities to any extent they were in 1970. Therefore, they are not being given very good options under this bill, as was mentioned in the discussion on second reading.

I feel the small municipalities and the Hydro restructuring committee tried to identify this problem and, without being parochial, finally opted for a two-county system accepting a regional system on which the government nevertheless turned its back. I made it quite clear I feel an injustice has been done to the smaller municipalities which, because of many constraints placed upon them in the last 10 years, including a higher standard for water and sewers, and urban area boundaries in the Niagara region, even if they were growth minded, do not have the options for growth they had prior to regional government

and when they were able to fund their own sewage and water systems which now have to be funded, processed, approved, administered and owned by the region.

While I say I feel badly for the rural areas in my riding, it disturbs me to want to be a part of making things worse for rural areas all over Ontario by setting a precedent which I fear might be set here and held up for display, if indeed, the member for Welland-Thorold had his amendment carried. Actually, in the final analysis, maybe the only fair way to treat such a basic commodity would be to have equal rates all over Ontario for Ontario Hydro, as we now try to do with heating oil and gasoline. We do this by licence breaks and by any means we can, so basic essentials such as these are provided fairly and at equitable cost to everyone in the province.

The government obviously picks up the tab for a lot of these special costs. They seem to have a great difficulty making the mental leap of providing this basic service on an equal cost to everyone in the province. The government, in my view, particularly in regional Niagara, has abandoned its concepts and principles of broad sharing of basic costs over a large area for the benefit of all.

As I pointed out earlier, the small extra cost it would have meant to the urban areas in Niagara to have permitted a regional structure would not have amounted to much. But the burden placed on the smaller municipalities as a result of this two-tier setup is substantial in the areas with less income, greater distances to cover, and all sorts of difficult municipal costs to face in this time.

I would like to see a whole redressing of this matter. I think Ontario Hydro, to its credit, in the earlier years recognized that electricity was so basic it should be available to all. Indeed, great efforts have been made to have it made available to all. We don't give cheaper power just because you are close to a hydro-electric site, or because you are near to a nuclear site. The basic rate structure across the province is, at least, equalized now. I suggest that hydro is in the category of those other items that are indeed needed to keep us warm and to permit us to travel in this province.

Electrical energy may be a much more important aspect of travelling in this province as the electric car becomes a reality in five, 10 or 15 years from now. At that time, will the government say that the fellow who lives in a small town should have to pay three times as much to run his automobile as the person who lives in a city?

There is not equality in this bill, and therefore I am not happy with it. However, I



don't want to make it any worse for the rural areas than it already is, because of the concern for areas that have not faced restructuring, and for obviously what would happen under the member's amendment where one community after another would reach out and seize land, to the detriment of the rural areas surrounding it.

For my part, I think the whole thing has been poorly handled but I can't support the amendment for broader reasons.

**Mr. Kerrio:** I have to think that when we talk hydro, Niagara Falls might immediately come to mind. Historically, one of the major power plants in North America, perhaps in the world, was at Niagara Falls. While some members might discuss and debate the equality of costs to various people, when Hydro was first structured the rates were much lower in those areas immediately surrounding the generating plants in Niagara Falls, Ontario, and in Niagara Falls, New York.

There was, therefore, a great influx of industry to those areas, which meant many job opportunities as well as other opportunities. But, by the same token, the people in the area were subject to much inconvenience, with the canal cutting right through the centre of the city, and with other tax problems on very, very costly land used by Ontario Hydro.

I am bringing these matters into focus, because it becomes very obvious that when you equalize the rates and leave those people in a given area with all of those inconveniences, while the rates may be one thing, if you equalize it right across the province there are those people who would suffer the consequences of all the inconveniences in one locale.

I don't know if we could ever talk about having equalized rates across the province. One way or another, there will be some digression from proper equalization of the rates. It also may lead to the problem governments are having, and that is, when one tries to be all things to all people it is going to cost us more to do everything we do in everyday life. While on the one hand it might be very important that we try to equalize the rates across the province, there may be some impracticalities.

There are those people who prefer to be living out in rural areas—and we all know it costs more money to string lines to take power out there. If those people have some advantages we do not have in the city, it may not be worth our attempting to make such equalization of rates that we would give all these services to those people who move out from centralized areas, because in

that way sewers, water, electricity, whatever one mentions, could cost fourfold or fivefold, and ultimately we would not have an equalization of rates; we would have the people in the central area subsidizing those people who want to live that nice life in the country. Therefore, I am not going to support the amendment to the bill.

I would like also to suggest that it is quite obvious there are those from different parts of the peninsula itself who, for different reasons, look at the bill through different eyes. I, for one, had proposed an amendment, which had been supported by the city of Niagara Falls, both the rural area and the urban area. I had brought that support here for an amendment.

**Mr. Chairman:** But that amendment is not before the committee.

**Mr. Kerrio:** Subsequently, the city has seen fit to change and now would support the bill as it stands. I thought I should say that so the Chairman would understand that I am talking to the bill and to the amendment.

In any event, I would like to read into the record one thing that was mentioned by the member for Welland-Thorold on May 1. He said, at page 1484 of Hansard: "Regardless of whether amendments are adopted in the House in the committee stage or whatever takes place, we have to pass this bill this spring and get on with the job, regardless of how the structure is set up." To expedite that kind of thinking, we would be very wise not to support this amendment and to get on with passing of the bill.

**Mr. Chairman:** The member for Erie asked for clarification of one word. I think the word was "some." I am sure the member for Welland-Thorold could do that briefly.

**Mr. Swart:** I can, Mr. Chairman. I would have thought the amendment was fairly clear. The word "some," in "some areas," leaves the decision with the municipality as to which areas they would attach to the hydro commission boundaries. Normally, we would expect that this would be the urban area, which is now in rural Hydro, surrounding the urban area served by the commission. But that would be left up to the local municipality to determine.

Just one final word: I would point out that this is all subject to the approval of Ontario Hydro, as provided in the first part of this bill.

**Mr. Ashe:** Mr. Chairman, I appreciate generally the support received from various parts of the House. I would like to touch upon and respond to some of the points made



by the member for Welland-Thorold in his proposed amendment.

As I think everybody knows, and as was discussed quite widely in second reading of this bill, the amendment is completely contrary to the principles of restructuring.

As we have already heard in this discussion and debate today and in the discussion and debate on second reading, there are arguments on both sides as to whether restructuring should have taken place on a regional basis. I think it is safe and probably fairly accurate to say that from a straight rational, economic point of view a regional utility was probably the best.

Having said that—and some people did recognize and support that view—it was the government's feelings, which I would suggest was strongly supported by many members opposite as well as many members on this side, that stretching regionalization that one step further was not acceptable to most of the elected representatives, whether they were provincial or municipal representatives, or to the people they represented. On that basis, the government changed the restructuring guidelines to accommodate lower-tier restructuring, which is accommodated and reflected in Bill 29, which is before us today.

As for the particular amendment before the House, the member for Welland-Thorold suggest they have a shot at this only once; they may or may not do anything. We're only taking about five municipalities and it's neither here nor there.

[4:45]

I would suggest to you, Mr. Chairman and honourable members, that that's not really the point and I think we all recognize it. If it were allowed in this particular piece of legislation, even on a once-only basis as put forward by the member, we would have very great difficulty denying that same request if it came forward from the multiplicity of municipalities in this province, both within regional areas as well as outside regional areas, which now have a public utilities commission.

I don't know what justification we could use to say "No, we did it for a few municipalities in Niagara, but they're a little different because the member for Welland-Thorold said they were a little different, and we can't do it for you." That's not logical at all.

I think the member made some reference to points I made on second reading. I stand behind those statements. I won't make them again. They've already been summarized and read into the record for a second time. But he did make some reference to "blackmail" to the municipalities—to the municipal coun-

cil at some future point in time, as a matter of fact in three-year intervals, looking to the economics, to the justification, to the feasibility of expanding their then-contained area to their municipal boundary. That's not blackmail, it's protection for the rural hydro users, both then and for the future. If at some point in time the municipal council sees that it is feasible, economically and otherwise, to expand to their municipal boundaries, they will do so.

**Mr. Swart:** What you're saying is, we won't let you have it the way you want it; you've got to take it the way we want it or nothing.

**Mr. Ashe:** It's amazing, Mr. Chairman, that the member didn't make reference to another municipality he represents, the municipality of Thorold. He approached that municipal council and said, "I've got an amendment here that might serve your purposes too. Perhaps you don't want to expand to your boundaries." I'm very pleased to say that that municipal council expressed the view that they were representing a community and wanted to create interest from boundary to boundary within their jurisdiction.

**Mr. Swart:** They felt they could afford it but some of these others can't.

**Mr. Ashe:** They indicated to the member that they were quite aware of the economics involved and were standing by their original decision, which I would suggest to him was a very fair and a very equitable one.

**Mr. Kerrio:** Who represents that area?

**Mr. Ashe:** It received pretty fair coverage in the news media and I hope that all residents in that area saw what their local council decided—

**Mr. Haggerty:** They wanted a single tier.

**Mr. Ashe:** —and what their local member was suggesting.

**Mr. Kerrio:** Do they have a member down there?

**Mr. Ashe:** Some would say so.

The thing that makes this particular amendment impractical and, in fact, impossible, has already been alluded to and touched on very eloquently by many of the members opposite. The member is talking about load skimming. Ultimately, he's talking about further financial pressures on the remaining Ontario Hydro customers throughout the province. Keeping in mind his argument that we're only talking about a few municipalities, which I hope I've discussed adequately, this is impossible. We couldn't do that, because eventually we would end up with all the utilities expanding their



boundaries to suit their convenience, leaving the rest of the system throughout parts of Ontario exceedingly on a growing costly basis.

**Mr. Swart:** Give the urban dwellers the same as everybody else gets.

**Mr. Ashe:** We all would be concerned if that could or did happen, but it shouldn't happen and won't be allowed to happen.

The other member who took part in the debate, the members for Erie, Lincoln and Niagara Falls, discussed both sides of these issues. We've heard eloquent argument on both sides relative to regionalization versus local restructuring. We heard about the various equalities, both ways, of having one rate across the province and so having a different rate close to the source of generation. There is no easy answer, as I think all members would quite readily agree.

Basically, three different kinds of rates affect residential consumers. There is the wholesale rate to the utilities which then varies, depending on the level of service, municipality to municipality; then throughout the rest of Ontario there are the two levels of what are known as rural hydro rates.

Granted, some of those so-referred-to rural areas are indeed not rural areas; I do not think anybody is trying to suggest that they are. What we are saying is that when people move into those areas—and I think this was alluded to by one of the honourable members opposite—they know some of the pluses and minuses of choosing where to reside.

One of the pluses is the amenities that are there: the geography, the larger lots and what have you. One of the negatives in a particular municipality may be a higher hydro rate. I happen to be one of those who pays a higher hydro rate, I may say, in a very urbanized area. But I knew what it was when we went there. The particular municipality where I live is prepared to go the full route in creating a utility commission from boundary to boundary, because it is economically possible to do so.

I hope I have covered, at least to some degree, most of the points that were made. Again, I hope all members of the committee will vote against this particular amendment, because it would make a farce of not only this piece of legislation but also the future of the public utilities commissions, the boundaries and service areas of those commissions and, more importantly, the consumers in the province who are served by Ontario Hydro. It would just make an impossible situation.

**Mr. Deputy Chairman:** All those in favour of Mr. Swart's amendment to section 4 will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

Sections 5 to 11, inclusive, agreed to.

#### LABOUR RELATIONS AMENDMENT ACT

Consideration of Bill 25, An Act to amend the Labour Relations Act.

**Hon. Mr. Elgie:** Mr. Chairman, I have one or two brief remarks I would like to make before we commence clause-by-clause review of the bill.

I would remind members that since the inception of the Labour Relations Act, and indeed of legislated labour law in this province, section 63 in particular has taken away the legal right of parties to a contract to withdraw services. In addition to that, under section 37(2), we have intervened and required that the parties shall have a grievance arbitration procedure within their collective agreements. Indeed, we have even specified that, if none is included in that agreement, a model grievance arbitration procedure shall be considered to be part of any collective agreement.

It therefore behooves us to follow the course of events and the effectiveness of that interventionist act. If we feel there is any suggestion of disrepute falling upon the grievance arbitration procedure, it is my view that we have an obligation to endeavour to correct it so that the procedure sets out to do what it was originally intended to do, and that it sets out to do what it was originally intended to do, and that it sets out to do without undue delay or undue cost.

By intervening with the proposed legislation that we have introduced today, that is not say there are not good grievance arbitration procedures in many collective agreements. I say in all candour to members of the House that I feel very strongly that those good and sound grievance arbitration procedures that exist in many collective agreements will not be changed by the introduction of this bill. Rather, it will encourage the parties to improve existing agreements that in our view are not responding satisfactorily to the needs that exist in the industrial society. During the course of the procedures today, I will be introducing two or three amendments and on those occasions I'd like to speak to them.

**Mr. Van Horne:** In response to the minister's comments and also in deference to some predecessors from my party who were involved in the initial discussion of the collective bargaining process here in Ontario—and I go back a few decades when I say that—



I would like to make some observations about this bill. I do so under the following headings: Past history; the perceived need; the events of the last month or so; and reference to some amendments that our party would like to put forward.

I don't think there is any question—and I'll repeat the comment I made on April 24—that our party is in general agreement with the theme which supports the need for an arbitration process that is good for all sections of the labour movement. There is no quarrel with that. In so far as past history is concerned, I indicated in my first statement that our party was very involved with the introduction of legislation encouraging collective bargaining in Ontario with the Collective Bargaining Act of 1943. We are proud of that involvement and proud of what our predecessors did.

As for the perceived need, I have not seen or heard any ground swell of requests from the labour field. Rather, this bill was brought to us by a ministry which, in my view, is intervening in the process to a point where it is almost obstructing the process. We weren't apprised of any great demand from those smaller unions or those people who were adversely affected by the Labour Relations Act as it now stands. So I would question the perceived need for this legislation.

The third point I would like to make is that during this past month or six weeks we have seen some interesting happenings. First, the bill was introduced; second, there was an indication that perhaps a second reading and no committee involvement would happen as a matter of routine, if all parties concurred.

As I indicated earlier in April, I was not that well versed in labour matters and determined to seek some input from professionals, i.e., from arbitrators, from senior management people, from professionals in the schools of law, and, not last or least, from those people involved in the labour movement, that is, in the ranks and at the administrative level.

We did inquire and, in reply, we got some 20 answers, either written or over the phone, indicating that nobody felt this legislation was needed. When I made reference to this on second reading, there was some criticism put my way from both of the other parties. I would submit to them that between that time and now I have sought more support information that would help to convince me that this is good legislation. To this point, I have received only two indications that this legislation is very sorely needed. On the other hand, I have received an additional 18 communications, making a total of some 38 com-

munications, suggesting that generally speaking, Bill 25 is not needed.

[5:00]

I provide that as information to the members. I am not using it necessarily to build a strong case against the legislation. It's worth noting that the apparent intent of this bill, expressed by the minister in the statement he made when the legislation was introduced, to speed up the process and to reduce the cost—those are the two main themes he presented to us—is good; those are good intentions. We can't quarrel with them. But the majority of people who have contacted me and with whom I have spoken in the labour negotiation business, both in management and labour, have indicated pretty strongly that they worked hard to come up with an agreement or agreements over the years, that they understand each other and are prepared to work out their problems themselves. They perceive Bill 25, in spite of its good intentions, to be further governmental intrusion.

So, Mr. Chairman, I repeat what I said in the beginning; while our party and I personally agree in principle that arbitration be speeded up and that costs be reduced, we seriously question further intrusion and therefore will make an amendment or amendments to try to change this bill to accommodate those feelings.

**Mr. Deputy Chairman:** Will you put the first amendment? Actually, we are not debating the principle of the bill here as I believe you have just been doing. Perhaps I should have intervened earlier, but I understand you have an amendment on section 1. Would you please put that amendment?

**Mr. Van Horne:** I wasn't sure, Mr. Chairman, if the amendments that were going—

**Mr. Deputy Chairman:** May I just find out the question being raised by the member for Hamilton East?

**Mr. Mackenzie:** I am wondering on procedures inasmuch as the minister has had brief comments and so has the Liberal critic—is that the intent? Because if it is, there are a few words I want to say on the bill as well. I don't think you can have two of them and cut off the third.

**Mr. Deputy Chairman:** You are quite right and I will not do so. I thought the minister was going to make a few comments about the amendments he wished to make and I have certainly allowed the member for London North to proceed and, in fairness, I must allow you the same privilege—I hope not for the same amount of time.



**Mr. Mackenzie:** Mr. Speaker, under section 1 of the Labour Relations Act I think you have a fair amount of leeway in any event and I certainly welcome this bill as a positive step in the right direction. I would have preferred the government to go all the way and adopt the construction union grievance procedures as in section 112a and I don't think it would have been as costly as the minister seems to feel.

It is interesting to note that once that procedure was established, there was no great increase in the number of cases handled under 112a. Indeed, figures from the deputy minister indicate that in 1976-77 there were 273 cases; in 1977-78, 264; in 1978-79, 238. So the argument that we would see a tremendous increase in cases just didn't come about. However, we are not getting 112a so I think Bill 25 is the best thing we can hope for, hopefully with some very minor changes.

It's useful, in view of the long wait for this legislation and in view of the rather frantic and often misleading opposition to the bill, to go briefly into why this bill and the particular sections in it are before us.

Under the current system of grievance arbitration in Ontario, it is true that some unions have worked out a relatively good system, but many of them have not—and justice delayed is justice denied. Justice delayed also leads to increased tensions on the shop floor and these, in turn, lead to further grievances. If one sees the pile-up of grievances in some of the major contract negotiations, in this province, one will know why this kind of legislation is desperately needed.

To use only the example that I am most aware of—and there are any number of figures; I am not sure exactly who my friend from the Liberal Party was talking to when he said there was no need for a single arbitrator in 345 cases presented—there was an industrial inquiry commission on arbitration for the very purpose of dealing with complaints of the labour movement. In my own union, the Steelworkers, the time from the date of the grievance to the award, for a single arbitrator, has been averaging 187 days, with the range being from 58 to 398 days; for a board it is 335 days, with the range being from 27 to 1,408 days; the overall average is 317 days. In discharge cases, 15 per cent of all appeals were decided in six months, 43 per cent took six months to one year, and 41 per cent took more than a year.

The chances of a worker's reinstatement drop sharply the longer the time for the

arbitration. Even the most cynical anti-labour person knows that the person who suffers more in a discharge case is the worker who has bills to pay, family to support and a house to keep; not the corporation that is involved. There are many more figures, but we do not need to go into them.

Apart from the delays, there is the question of costs—and I wish that had been outlined a little more clearly in the discussions we have had. If you are lucky, you might deal in the \$350 to \$400 range—and that is if you are very lucky; in fact, \$800 to \$1,000 or \$1,100 a day is more likely the cost.

There is no justice, even for small locals of a major union, if they cannot carry out their basic function of protecting the worker and seeing that he gets his day in court because they simply cannot afford the cost. I have had cases brought to me on that count; I do not know who is talking to my friend in the Liberal Party.

The arbitration system was designed as a fair replacement for the strike as no-strike provisions were made mandatory in collective agreements in Ontario. If we were going to have this, a need for means of resolving disputes was necessary as well as a means of justice in the work place, for the worker on the job.

The original intent and the specific provisions of this bill were that the arbitration system should be a relatively cheap, quick, simple and accessible means of resolving disputes. In the present state of affairs, that is not happening. The byproduct of the arbitration system that has evolved is that the arbitrators and arbitration boards are generally stating in lengthy details the reasons for the decision, often accompanied by a detailed review of the facts as well as the legal principles on which they base their conclusions. Dissents have been equally lengthy in many cases; the reasons for the dissents have often formed the basis for applications to the courts to quash or reverse the decisions.

While it is true that arbitrators over the years have stated that awards have no binding force on future arbitrations, the search for precedents was and is a constant one.

The basic concept that the arbitration process would provide a quick, simple and accessible means of settling disputes has been lost along the way in many cases. With more than 37 volumes of LACs now, we need more expertise and more costs just to compete in this particular field.

All of this makes a mockery of the criticisms that we have been getting for this particular bill: the arguments that the bill



allows the collective bargaining process to be bypassed, thereby reducing its efficiency and leading to a deterioration in employee-employer relations and increased public expense, or represents further government intrusion into an area where private interests are best equipped to make and manage the situation. None of these arguments holds true; indeed, the reverse is probably the case in almost every case.

One of the amendments I have seen—I do not know if the same one is being moved; we will get to it a little later in the discussion—is based on the argument that the bill should be put forward only as an alternative that the parties may jointly agree to use as they see fit. I do not know exactly where my Liberal colleague got the amendment, but he could find it in almost exactly those terms in the brief from the mining association.

I also know that, if that kind of an amendment went through, the people who would be hurt, who would bear the brunt of negotiated pressure to reject the bill, are the small locals, the people right now who need this kind of protection; and the real fight then would switch to that of trying to negotiate it into the legislation, and, boy, I can see the difficulties one would have in some cases like that.

I note that some of the labour arbitrators argue that some of the delays are as a result of interplay between company and union. I think that is true. Unions have to bear part of the blame for some of the delays. But I can tell members from personal experience that in many cases it is because the time costs and formalities are themselves such a deterrent and, because they have had so many bitter experiences with the long delays and the costs in achieving justice that they hold up the grievance procedure in the hope of reaching some kind of a settlement with management without going the arbitration route.

I think the briefs we are seeing avoid the fact that collective bargaining is an adversarial relationship and that at best a small local, even a small local within a big union, is not necessarily the match for a major company. I found it amusing when I read in one of the briefs that one of the companies said the grievance procedure clauses should not be interfered with as they were finally acceptable after 25 years of negotiations. If it takes 25 years to arrive at an acceptable method of handling something as vital as a worker's grievance, then it bloody well should be interfered with.

I trust that the minister will not delay in producing the fee structure, which I regret

is not available. I also trust we will have an assurance that he is prepared to bring in amendments, say a year or 18 months down the road, if we find some provisions of this particular bill are not working properly. I also trust we will see some concrete programs to train and supply an additional quantity of arbitrators, which is going to be one of the concerns of the people who are dealing with the bill.

With that, Mr. Chairman, I want to say we have one very short amendment to section 37a, following subsection 7. We will deal with that when we reach that point in the bill.

On section 1:

**Mr. Chairman:** Mr. Van Horne moves that section 37a(1) of the Labour Relations Act, as set out in section 1 of the bill, be amended by striking out "notwithstanding the arbitration provision in a collective agreement or deemed to be included in a collective agreement under section 37" in the first, second and third lines and inserting in lieu thereof "except where a collective agreement states that this subsection does not apply."

**Mr. Van Horne:** I would say a few words on this and in doing so give at least a partial rebuttal to the New Democratic labour critic, the member for Hamilton East. He indicated he was not sure where an amendment of this nature might originate. I would submit that in searching around within our caucus discussion and with the assistance of our research people we were able to find that in legislation passed fairly recently in British Columbia—and I believe at the time there was a New Democratic Party involved with the government in British Columbia, so I am rather surprised the member is not familiar with this—section 96 does permit an opting-out process.

In pursuing the legislation that exists in British Columbia, we were able to find out that the provision it has had in effect for the last five or six years has not caused too many problems, if any. On that ground alone, I think we are able to say there is a precedent and that if we wanted to add to it the Ontario flavour, we could equally support this kind of amendment. We therefore proposed this.

I would add, in supporting the amendment, it is viewed by some that the intervention that is proposed under section 37, although it may be effective in the short run, could perhaps be damaging or not so effective in the long run.

[5:15]

To refer to comments I made earlier about the process we have developed in Ontario,



the process of arriving at a satisfactory collective agreement wherein both sides are happy and both sides are prepared to work out their problems, I have to wonder if this kind of legislation we're looking at today won't have some adverse effect on both sides.

The third question I have to ask is about the cost, if all parties to collective agreements across the province are going to have access to the new arbitration process which is really being suggested here. We obviously are going to have to have more and better trained arbitrators. How much is it going to cost? For openers, we don't even know how many there will be. It's pretty difficult to put a handle on the cost.

In presenting a private member's bill last Thursday, a bill I thought about for two years—that is Bill 69—I did take the liberty of looking through the library to find some evidence of compendium information on various bills the government was bringing forth. In the case of this piece of legislation the compendium information consists of a variety of booklets of information—the Kelly report and other things. It's so bulky that only one was provided and it was found in the Clerk's office.

In looking through that I didn't find any indication of how much this piece of legislation is going to cost the taxpayers of Ontario. There was no indication at all. Perhaps the minister could inform us, as he makes some replies to these comments, if any thought has been given to cost.

In summary I would have to think the amendment that had been put forward should be acceptable. It does allow opting out and would, in my view, see that those parties who are content with the agreement they've been able to reach over the years or over this past year—those people who put their minds to the task—would be unencumbered by Bill 25 and we would then see Bill 25 apply to only those who would see it otherwise as a process which might assist them.

I would leave my comments at that point, hoping to hear in reply from the minister.

**Mr. Mackenzie:** I'll be very brief. We intend to oppose this Liberal amendment. If the parties are content and can reach that kind of an agreement there's no reason why they can't continue with their present procedures now. It's a right that's there if one of the parties feels aggrieved and feels it is not getting justice under the present system or feels it can't afford the expense of going through, if the parties are not able to reach agreement, the arbitration procedures and costs.

I would like the right to opt out of a good number of pieces of legislation myself if I didn't like them. I think it's a very dangerous precedent. I think it has the effect really of gutting this bill. I think it's important that it's not supported.

**Mr. Bounsall:** If I could make a very brief comment. This section is a permissive section any way. It's of the type you can have in a collective agreement where they may request the minister to go to a single arbitrator. I don't see that you need a clause allowing the parties to a collective agreement to opt out of something, which is a "may" request to the minister in any event. I would say it's a most unusual amendment in that sense because the changes here are of a permissive nature anyway. As I understand it, an agreement needs to be reached by parties in approaching the minister asking for the single arbitrator, in any event. I don't see any sense of the opting out.

**Hon. Mr. Elgie:** Mr. Chairman, I just have a few brief remarks.

I'd like to preface them by re-emphasizing what I said in my opening remarks for the member for London North who is chatting with that sterling fellow from Haldimand-Norfolk, or whatever it is.

**Mr. Roy:** Great member.

**Hon. Mr. Elgie:** Fine man. I appreciate some of the reasons he's introduced this amendment. I can understand some of the concerns some people have. But I'd like to assure him, as I mentioned in my opening remarks, that section 63 and section 37(2) already intervene in the collective bargaining process, first of all by requesting there shall not be any withdrawal of services during the term of the contract and, secondly, by requesting there shall be a grievance arbitration procedure in a collective agreement. If there isn't, it inserts a model one. Surely that's a firm example of intervention in the collective bargaining process to the most marked degree.

What I've said today to you is because of that intervention, surely, we have an obligation to assess how the grievance arbitration procedure works. With the greatest of respect for the member, and he knows I have that for him, I would submit he is in error if he thinks there aren't problems out there. He is quite correct when he assumes many companies have grievance arbitration procedures that are working very well. Frankly, when they are working well and they've been agreed upon by the parties, I for the life of me cannot see why this bill, which provides a permissive alternative, will cause a bargain-



ing agent to change his direction from the known pathway they've agreed upon to the unknown permissive pathway the minister has offered as an option.

During that collective agreement they have worked on for whatever number of years, they've agreed upon an arbitrator; and they may have agreed upon a great variety of other things. Why would the bargaining agent, the same person, be put under such unusual pressure to accept a ministerial option which, as the member said, is permissive that he would suddenly back out of something that they have negotiated freely and happily and with which everybody is pleased? I just don't follow that logic. I am firmly convinced those companies that have sound grievance arbitration procedures will not feel the effect or impact of this bill for one minute. If they do, then I would suggest it's time to get back to the bargaining table and renegotiate the grievance arbitration procedure.

The member made some reference to some British Columbia legislation. I don't want to get into discussions about that because, frankly, if you're going to take a little excerpt from the British Columbia Labour Relations Act, I think one should review the whole act because there are a great variety of things in the labour act in British Columbia which I'd be pleased to discuss with the member at any time. To take one single section and say that's how they do it there, has to be taken in the context of the whole labour act.

As to the cost, as I mentioned in the act, the question of fees will be settled by regulation. It will be settled after consultation and input from all interested parties; the legal profession, the arbitrators, the labour movement, and management so we can endeavour to reach what is considered and agreed upon by all to be a fair and reasonable fee. As to the cost in terms of the government, clearly, that's the reason we chose this, rightly or wrongly. I think it's right not to get involved in the major public expenditure for this sort of problem. That is a problem with which we feel that parties should deal.

I can assure the member the costs presently involved in the Labour-Management Arbitration Commission will virtually be the same, barring the actual final figures which, of course, can't be arrived upon until the costs are put to Management Board for review. This member and this House have my assurance the cost we now perceive will be very little above the present costs for the Labour-Management Arbitration Commission.

As for the presence or absence of arbitrators, Mr. Justice Kelly made it very clear,

and I've made it very clear we see it as a very important part of this legislation that we continue to have available the services of that well-trained group of arbitrators who presently exist in the system. Approximately 60 are already there. To say we are suddenly introducing legislation which will confound a group of untrained people is really not fair. The member can go down to the Labour-Management Arbitration Commission today and review the names on the list of people who are arbitrators who have been selected by joint agreement between management and labour. They are a fine, outstanding, able group of people. I have heard of no fear I have heard of that I accept that there will be any dearth of able, talented people willing to continue to perform in the role of arbitrator.

I must oppose the member's amendment because it robs the bill of its very guts. The essence of it is that if there is a good grievance arbitration procedure in place now this bill will not interfere with it. If there isn't, then it will encourage the parties to bargain and get a better one.

**Mr. Van Horne:** I would go back to the question of cost for just a moment and dispute the minister's suggestion there will be virtually no additional cost. In so far as the arbitrators are concerned perhaps this might be so, but we are not really sure of that. You are guessing, and quite frankly I am guessing. Beyond that, in this legislation we see a new creature, that is the settlement officer.

This is not speaking to the amendment, and if I am out of order I will gladly speak to it later, but we are talking about costs and they are related to this section. Did you intend, when you gave the answer that they would be the same, that the costs be related only to arbitrators, or are you talking about something else when you talk about settlement officers? Is there an additional cost there? You can answer that in due course but I think it is a valid point.

You also suggest there are many, many, many, many—I don't know how many "manys" you threw into your statement—good agreements and many instances wherein this particular Bill 25 might not even be needed.

**Hon. Mr. Elgie:** Several.

**Mr. Van Horne:** If everything is so good, you might ask the question why do we bother looking at this legislation in the first place? We have heard some arguments, but again expediency and cost are your answers.

The question I put to you again is are you not interfering with the agreements that have presently been established? Are you not inter-



fering with the good relations that have been developed over the years through the honest efforts of those labour people who are representing their fellow workers and the management people who are representing their company? Are you not putting another avenue on stream for those people who may come along in the future? You are dealing with the present and the past, but I would like to take a look down the road to the future. Is there no possibility of some abuse in the negotiating process with this kind of legislation?

Finally, I have to wonder when you question why we would bring this on stream, why there weren't public hearings by the Kelly commission. Submissions were made, granted, but there were no public hearings.

When we deal with this bill it goes from second reading to committee of the whole House. I have to admit in the initial stages I thought this would be the best way of dealing with this legislation. Having received a fair bit of flak over it, I am wondering if it wouldn't have been good to have a hearing through standing committee, rather than committee of the whole House, and let it all be put on the table. In fairness to both sides I don't think that has really happened.

There is a suggestion too that this is sort of a pro-labour bill. I am not suggesting that I am not pro-labour, but I have to submit there are two sides in the negotiating process. I am sure you are aware of the feelings of many of the management people. I don't have to list the 30 or so who contacted me. [5:30]

**Hon. Mr. Elgie:** I hate to prolong this discussion, but let me assure the member once again. My first premise is that the act, by its very nature, already interferes in the collective bargaining process and by interfering we impose upon ourselves an obligation to review how it works. I said that before and I won't bother reiterating it. It's clear that in many situations it wasn't working well and it behooves us to try and correct it.

It's really that simple. There's no nefarious scheme or plot; it's not a pro-labour or an anti-labour bill. It's a bill designed to improve the system, to improve industrial relations, and that's the sole object. I think it's improper and I would hesitate to view the bill as pro-anybody. I think it's pro the system and pro improving relations in the work place.

As to the cost, I wasn't referring to the costs of arbitration. As the member for Hamilton East (Mr. Mackenzie) mentioned, our experience with section 112(a), which deals with the construction industry, hasn't indicated any increase or any significant

increase in the number of arbitrations as a result of that process and I would be surprised if in the long run there are any increases here. There may well be some in the first year or two, who can predict? But I think it will get the parties to address themselves to the issue we should all be concerned about, and that's the grievance.

The costs to which I referred are the costs within government. I can't tell you what those costs will be in any finite detail because we still have to go to Management Board over it, but I would suggest that one of the amendments I have introduced will allow as to phase in the process and get a better understanding of it without rushing into any costly endeavours. It will allow us to gain some experience, add staff and do the things which we think would be appropriate in order to correct deficiencies in the system. I continue with my opposition to the member's amendment.

**Mr. Chairman:** All those in favour of Mr. Van Horne's amendment to section 1 will please say "aye."

All those opposed will please say "nay."  
In my opinion the nays have it.

Amendment stacked.

**Mr. Chairman:** Mr. Van Horne moves that section 37a of the act, as set out in section 1 of the bill, be amended by adding thereto the following subsections:

"(8) Subsection to subsection 9, an arbitrator appointed under subsection 4 shall render his decision in writing without reasons to both parties within seven days of the conclusion of the hearing.

"(9) Where prior to the conclusion of the hearing either party requests reasons, an arbitrator appointed under subsection 4 shall render his decision with reasons in writing within 30 days of the conclusion of the hearing and that subsection 8 of the said section be renumbered as subsection 10."

**Mr. Van Horne:** Very briefly, Mr. Chairman, the bill as proposed by the government attempts to deal with the problem of delay prior to but not following a hearing on the matter. The government failed to impose any limit on the amount of time an arbitrator must take to make an award. Our amendment is consistent with the findings of the joint management labour subcommittee of the Canadian Bar Association, which also recommends that time limits be imposed requiring arbitrators to render a decision within a fixed period of time. I say that in reference to the first of the two sections on which I made an amendment, and I would



stop at that point if the other parties wished to reply.

**Mr. Chairman:** Perhaps you would like to continue with the whole amendment.

**Mr. Van Horne:** I think, Mr. Chairman, that I will refrain from any further comments, because really they are almost identical in both instances.

**Mr. Mackenzie:** I would just point out, Mr. Chairman, that we will be opposing these amendments. Depending on whether you use ministry or some of the union figures, once a single arbitrator is appointed, from there to the decision averages either 22 or 23 days; I think this item 9 particularly may very well result in some of the decisions taking the full 30 days. In any event, I think it's better to give the legislation a chance to see what will happen rather than put these kind of time restrictions on it.

**Hon. Mr. Elgie:** Mr. Chairman, just a couple of remarks. I think the point the member for Hamilton East made is a valid one. The statistics we have gathered reveal that when a single arbitrator is seized of a grievance arbitration problem, in 81 per cent of cases the decision will be awarded within 30 days, and that's quite a contrast to other situations where there are larger boards. There's a lot to be said though, on paper, for having time limits down; but let's look at other legislation where there are time limits.

For instance, the Police Act has a 60-day time limit. On one occasion there was a case that went to the Supreme Court because the arbitration award did not come down within that 60 days and the courts held that the 60 day time limit was a directive only. You could say we should make it a mandatory time limit. The problem with that is that of course if the arbitration comes back in 31 days with a decision it is null and void and the whole arbitration process has to start over again. In most situations single arbitrators have dealt with by far the greatest majority of problems within 30 days, therefore a reasonable time limit would be a directive only, but, if you make it mandatory you will force a few cases to go through the whole arbitrary procedure again.

In view of what we feel will be a closer relationship to the whole process once it's a part of the ministry, I think it's unreasonable at this time. I am not saying it won't have to come one day, but I have faith in the process and the figures and the people involved and the facts that I have outlined. I would consider that those are two unnecessary amendments at this time and I would oppose them.

**Mr. Chairman:** All those in favour of Mr. Van Horne's amendment will say "aye."  
All those opposed will say "nay."

In my opinion the nays have it.

Amendment stacked.

**Mr. Chairman:** The member for Hamilton East, on what section?

**Mr. Mackenzie:** Section 1 dealing with section 37a of the act; which, depending on how the vote goes on the other amendments, would involve a new subsection 7. The amendment that I would move is a very simple one.

**Mr. Chairman:** Mr. Mackenzie moves that section 37a of the act, as set out in section 1 of the bill, be amended by adding the following subsection:

"(8) Upon the agreement of the parties, the arbitrator shall deliver an oral decision forthwith or as soon as practical without giving his reasons in writing therefor."

The existing subsection 8 will be renumbered subsection 9.

**Mr. Mackenzie:** The purpose of that amendment, Mr. Chairman, is simply that there are a sizeable number of agreements that could be resolved right on the spot at the hearing if the parties were agreeable to a verbal decision of the arbitrator and it might cut down some of the load substantially.

**Hon. Mr. Elgie:** Mr. Chairman, it is a reasonable amendment, and it comes partway to meeting some of the concerns of the member for London North. I have no objection to the amendment.

**Mr. Van Horne:** I have no objection, Mr. Chairman.

Motion agreed to.

**Mr. Chairman:** Hon. Mr. Elgie moves that section 37a of the act, as set out in section 1 of the bill, be amended by adding thereto the following subsections:

"(10) The minister may establish a list of approved arbitrators and, for the purpose of advising him with respect to persons qualified to act as arbitrators in matters relating to arbitration, the minister may constitute a labour-management advisory committee composed of a chairman to be designated by the minister, and six members, three of whom shall represent employers and three of whom shall represent trade unions, and their remuneration and expenses shall be as the Lieutenant Governor in Council determines.

"(11) This section does not apply to a collective agreement in operation on the day this act comes into force but applies to every



collective agreement that is renewed or made after that date.

**Hon. Mr. Elgie:** Mr. Chairman, I have some very brief remarks. The first part of the amendment really does what I intended to do by regulation, but I think it is important that it be spelled out that the selection of arbitrators is something that I feel requires the advice of a labour-management group, and I think that it is important that both of those groups know that I will appreciate their advice in the future, should this amendment pass.

On the second amendment, I think I have already mentioned the thrust of it. It allows us to phase in the act stage by stage so that we can gather together the valuable people who will be needed as we proceed rather than trying, in a rather hurried-up way, to gather together a staff. It will allow us time to do that in a very orderly and appropriate way. It also indicates some of our concern about intruding into the present collective agreements, and it allows the parties to bargain at the expiry of their present contracts to correct any deficiencies they may perceive in their existing grievance arbitration procedure.

**Mr. Van Horne:** Mr. Chairman, in so far as the advisory committee part of the amendment is concerned, I am pleased to support that, because I perceive it as a way in which parties may have more input into the process; it is as simple as that, and anything that allows more input is good, in my view.

[5:45]

The other part of the suggested amendment, that is, permitting this to be phased in, as it were, will allow both parties some time to consider revising their procedures so that it does not exceed the limits set out here; that, too, is good. Certainly I feel this is a bit of a concession, and perhaps the anxiety of waiting over these last four weeks and getting a little bit of flak has moved the minister to make this small concession. I do not think there is any question, as originally viewed, if this bill had come into effect, as it obviously would have because our party was the only one that was opposing it in any way, shape or form, there would have been a very strong feeling out in the community that if it became effective right away with agreements that were sitting there it would have been very upsetting to them. This is a concession, I am happy to think, which we might have had some small part in bringing about.

**Mr. Mackenzie:** I have no problems with section 10 at all and would support it. We

have discussed section 11 and will support this amendment as well. I should point out in all fairness that it personally causes me some rather severe reservations. A number of pieces of legislation take effect upon the proclamation. I am not sure that I buy the argument that you need time to phase in legislation. We have waited a long time for some legislation to reduce the delays that seriously affect many people in lengthy or costly arbitration cases.

However, I think this is a positive bill. It is one of the first bills—and for this I commend the minister—that has made an effort to deal with one of the longstanding and severe problems we have had in the labour field. Maybe there are some fears there in terms of the agreements we have in existing collective agreements and in terms of the kind of a panel of arbitrators we are going to have and how the bill is going to work and whether it gets a chance to be eased in or phased in.

It is not the way I would have gone. In trying to understand these fears, however, it may very well be the case that this particular amendment will force the parties that have not been able to reach satisfactory conclusions in the past in the arbitration procedures to sit down and come up with better methods and to do it in the time frame they have before the expiry of their current contracts.

I do want to point out, however, the reason I have some reservations, although I am willing to accept the amendment, is that there are some two-year and there are some three-year contracts around. I suppose at the time this legislation becomes law there is not going to be that large a percentage of the work force involved in three-year contracts, but it does mean if they are not happy with the current procedures, these workers are going to be waiting a fairly long time. I hope what we gain in terms of more acceptance of a rather substantial change in the procedures is worth the costs that may exist to some of those that are locked into fairly long contracts. Having said that, we will support the government amendment.

**Mr. Bounsall:** Here is where I give the game away. I just wanted to say that I too had some concerns about section 10, but I can understand that there may be some advantages to having a phase-in period for the bill. I gather that more than half of the contracts do come up within the year in any event, so this will be effective for more than half of the contracts. With a bill that is an improvement, I do not like to see a waiting



period for those persons who will not have the advantages of it at the same time others will.

In the selection of the list of arbitrators you are being advised by a panel under the other amendment as to who should be arbitrators. Maybe we could well afford to have some experience of the bill's operation before it does apply to everyone in the province, even though I would like to see everyone covered by those positive amendments. It may well be that by the time most people would then use it any procedures or problems that come with introducing these amendments will have been worked out for them to avoid any delays that might come for some of those units in any event. While I am not particularly happy with it, I certainly would not oppose it.

Motion agreed to.

**Hon. Mr. Elgie:** Mr. Chairman, I have one further small amendment.

**Mr. Chairman:** Hon. Mr. Elgie moves that the bill be amended by adding the following section:

2. Section 96(1) of the act is repealed and the following substituted therefor:

"96(1) Where a request is made under section 15, section 37(1), or section 37a(1), the minister may refer to the board any questions that arise that in his opinion relate to his authority to make an appointment under any such provision that is mentioned in the reference and the board shall report to the minister a decision on the question."

Hon. Mr. Elgie also moves that the following sections of the bill be renumbered accordingly.

**Hon. Mr. Elgie:** This amendment really adds the reference to section 37(a) in section

96 to allow the minister to refer in case there is any question about his authority to appoint an arbitrator.

Motion agreed to.

Sections 3 to 6 as renumbered, inclusive, agreed to.

**Mr. Chairman:** We have a number of amendments stacked. I would remind the members that the division bells will ring for up to 10 minutes.

The committee divided on Mr. Swart's amendment to section 4 of Bill 29, which was negated on the following vote: Ayes 28; nays 62.

Bill 29 reported.

The committee divided on Mr. Van Horne's amendment to section 1 of Bill 25, which was negated on the following vote: Ayes 23; nays 67.

The committee divided on Mr. Van Horne's further amendment to section 1 of Bill 25, which was negated on the same vote.

Bill 25, as amended, reported.

On motion by Hon. Mr. Grossman, the committee of the whole House reported one bill with amendments and another bill without amendment.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 25, An Act to amend the Labour Relations Act.

Bill 29, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Niagara.

The House recessed at 6:08 p.m.



## APPENDIX

(See page 2309)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## MARKHAM AREA SCHOOL NEEDS

**182. Mr. Stong:** Will the Minister of Education act upon the request of the Community Association for Unionville Secondary Education (CAUSE) to provide a new high school in Unionville? Will the minister review the development applications which provide for approximately 3,000 new homes in Unionville, 2,000 in Risebrough and 3,300 in Markham, the result of which will not only overcrowd both Markham District High School and Thornlea High School, but would call for the immediate construction of a secondary school in the Unionville area? Will the minister immediately undertake to satisfy the need of the secondary school students in Unionville to be educated in their own community? (Tabled May 16, 1979.)

**183. Mr. Stong:** Will the Minister of Education act upon the request of the Risebrough Community Association in the community of Markham, Ontario, to provide new and adequate school facilities to meet the growing educational needs in that area? Will the minister inform herself of the situation which now exists, in that projected figures indicate that by September 1, 1979, 1000 units of the 1130 units being built will be occupied producing approximately 480 students seeking educational facilities? Will the minister review the present policy which requires kindergarten children from this area to be bused to a school in Richmond Hill and which also sees children in grades one to five being bused to a small school where gymnastic and library facilities are non-existent? Will the minister immediately review and provide adequate facilities in this community to meet the educational demands which will be in existence by September 1, 1979? (Tabled May 16, 1979.)

**184. Mr. Stong:** Will the Minister of Education cause an investigation to be made into the overcrowding conditions which exist at the German Mills Public School in Markham? Will the minister explain the policy of the Ministry which appears to prefer the busing of pupils to distant empty classrooms in the regional municipality of York rather than construct new facilities or add on to existing facilities where circumstances warrant? Will the minister review the policy of the ministry which requires that prior to the building of a school, there exist sufficient number of chil-

dren in the area to equal 80 per cent of the projected capacity of the said school and apply that formula to the building of a school on the Flowerdale site in the town of Markham, in order to accommodate the excess enrolment in the German Mills Public School which is equal to 123 per cent of that school's designed capacity? Will the minister review the immediate need for a new school on the Flowerdale site in the light of projected figures over the next five years which indicate that school-age children in the area will increase to approximately 900 and which figure does not take into account the fact that there is presently before the Ontario Municipal Board an application by a developer to build in the area an additional 190 townhouses? If this project is allowed to proceed the projected figures indicate that school enrolment will not decline until 1995. Will the minister initiate a policy which would provide architecturally acceptable but movable school buildings to accommodate the shifting need of the school population? How does the minister reconcile the ministry's policy of fiscal restraint, which includes busing and which dictates against the welfare of children, with the more important need of providing adequate facilities so that the educational and social needs of children may be properly met in their own community environment? Will the minister therefore satisfy the needs of the children in the German Mills area of Markham and build a second school on the Flowerdale site? (Tabled May 16, 1979.)

**Hon. Miss Stephenson:** We require additional time to prepare our response to questions 182, 183 and 184, Notice Paper 44. The answers will be ready for tabling on or about June 8, 1979.

## GLANBROOK LANDFILL SITE

**185. Mr. Isaacs:** Would the Premier table in the House the advice which he received from the environmental assessment steering committee in early April concerning the proposal that the hearings in Glanbrook be reconvened under the 1975 Environmental Assessment Act; and would the Premier explain why the provisions of the 1975 act are not being applied to major municipal government projects such as landfill sites? (Tabled May 17, 1979.)

See sessional paper 79.



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No. 57

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Tuesday, May 29, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

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TUESDAY, MAY 29, 1979

The House resumed at 8 p.m.

House in committee of supply.

## ESTIMATES, MINISTRY OF NORTHERN AFFAIRS (concluded)

On vote 702, project development and community relations program; item 2, project development and implementation:

**Mr. Deputy Chairman:** The member for Algoma.

**Mr. Wildman:** Thank you, Mr. Chairman. If I could be given the same indulgence the minister was given the other night, I would like to have the members join with me in welcoming to the Legislature a group of students from the north. The students in the gallery are from the community of Bruce Mines. I'd like to welcome them.

**Hon. Mr. Bernier:** Are they assisted by the Young Voyageurs Program?

**Mr. Wildman:** Yes, the Young Voyageurs Program is a very good one because my area is just short of one day's travel away.

**Mr. B. Newman:** They may not want to go home now they have seen Toronto.

**Mr. Deputy Chairman:** Do you think they recognized their member.

**Mr. Wildman:** They thought I was a bit light headed.

I would like to raise with the minister under this vote matters regarding the function of working in concert with municipalities and other ministries in developing plans to improve northern community conditions in responding to local needs.

As the minister will recall, he said earlier during the debate in these estimates he thought he might have something to announce in regard to Blind River and the need for upgrading the sewage system there in order to allow the town to expand in the face of the spin-off from Elliot Lake and the tremendous expansion taking place there. I hope the minister might be able to bring us up to date on that.

I want to go into more detail in regard to one of the other communities in my area, since I think it exemplifies what we were discussing yesterday in the estimates with

regard to one-industry towns in northern Ontario. That's specifically White River. As the minister knows, White River is in the far north end of Algoma riding and it's a community that traditionally was a railroad community and now has become largely a lumber community dependent upon the new Abitibi mill. The minister also knows White River has just experienced a serious flood, one of the many floods in the north this year, and residents are just now recovering from that. They are awaiting word from the cabinet as to whether or not they will have final confirmation on assistance for that community.

Even prior to the flood, there were some serious difficulties in keeping young people in White River, even though there is now an opportunity for employment there. For many years White River experienced a drop in population because the CPR had cut its running trades working out of that community and there just wasn't much opportunity for young people to have employment. Now with the new Abitibi mill being established and expanding its operations, they run into other problems because the mill workers are moving into town. The company intends to bring a large number of bucherons or cutters into the area, largely from the Gaspé and other parts of Quebec, and perhaps New Brunswick, as well as other parts of Ontario.

A lot of the young people from White River itself, have got jobs in the mill, but we have had this influx of people into the community. That led to a number of problems. For a long time they didn't have adequate sewage facilities. That meant they couldn't provide housing for the people who were willing to move to White River. The Ministry of the Environment did agree a few years ago to give assistance, along with the federal government through DREE, to provide a sewage treatment plant and a new sewage system for the new development but not for the old.

As a result, they have been able to build a subdivision in that community. They have built an apartment building and there is a mobile-home park. Even with that they have had upwards of a 200 per cent turnover in



workers at the mill because there is a lack of other amenities.

There just isn't much choice in shopping. Prices are high in White River for everyday goods, such as groceries, clothing, furniture and those kinds of things. There is not much choice. They can go to Wawa or Marathon or Manitouwadge, or Thunder Bay or the Sault, but those centres are quite distant.

More than that, there aren't many amenities there. There is not a recreation centre. The community is now moving towards the setting up of a recreation centre. That is very costly for a small community such as White River, even though they qualify for Wintario, the Community Recreation Centres Act grants and so on.

With this kind of turnover you can see the problems they have. In housing, they have had serious problems with the subdivisions. There have been complaints to the Housing and Urban Development Association of Canada, to Central Mortgage and Housing Corporation and to the company, but they don't seem to be getting too far. The developer claims he has done what he should have done.

There have been complaints about the conditions and rules in the apartment building. There have also been complaints about the attitude of the operators of the mobile-home park. What it really boils down to is the fact that the cost of housing is very high, as well as everything else. There is the extra cost of fuel because it is so cold in the winter. As you know, White River is famous for its claim to be the coldest place in Canada.

To give them their due, officials of the company did say they would subsidize their workers if they wanted to buy a house by providing up to \$2,000 toward the cost of the house. Basically all that did was raise the cost of every house by \$2,000.

I wonder what this ministry is doing, if anything, in getting involved in White River with the improvement district board, with the company, with the unions and the business people of White River to try to bring them together to deal with these very serious problems that have led to a lot of complaints, unhappiness and division in the community which, hopefully has dissipated as a result of the tragedy they have recently had to endure where people have come together and worked together. I think this might be a beginning to try to bring people together to try to deal with some of these problems.

What would probably bring down the cost of housing and what I am leading to is if there could be some competition and if some more land could be made available for housing. We have a tremendous amount of crown land all around the community but it is not available. The municipality has been negotiating with Marathon Realty, that is the realty section of the CPR, for some land that they own so that can establish a municipal subdivision. If that municipal subdivision had been available at the time the other subdivision was going in perhaps there would have been more competition and the price would not have been so high. But it wasn't in operation; it still isn't and it isn't going to be now for some time.

Are you doing anything to try to speed up the negotiations with the CPR and the approvals of the various authorities—the Ministry of Housing and so on—for the municipal subdivision? What, if anything, is the ministry doing? I know it has been very much involved in Hornepayne; we have had discussions about Hornepayne, the other most northerly community in my riding. I would like to see the same kind of operation in White River that the ministry has had up there, and perhaps in Atikokan and other places.

If the minister could give me some indication on Blind River and tell me what role, if any, his ministry has had in White River—or, if it has not had any, what role it intends to have in White River—I would appreciate it.

**Hon. Mr. Bernier:** Mr. Chairman, before I begin my remarks, I want to join the member for Algoma in welcoming the group from Bruce Mines. In fact, Bruce Mines sticks in my mind as a very popular place, because a former federal candidate in my riding came from Bruce Mines. She is now living in Sioux Lookout, the wife of a very prominent doctor, and constantly speaks of her childhood days at Bruce Mines. It is a real pleasure to join the honourable member in welcoming this northern group to the Legislature this evening.

I hope they will not look at the attendance here tonight as any indication of the interest in the estimates of the Ministry of Northern Affairs.

**Mr. Makarchuk:** There's a chiropractors' dinner that is just winding down.

**Hon. Mr. Bernier:** I see; the chiropractors have taken over.

**Mr. Chairman,** it was my understanding that, if we went on with our estimates tonight, the estimates would be deemed to be



completed at the hour of 10:30. Is that the understanding?

Mr. Wildman: That's right.

Mr. Foulds: Quit stalling; get on with it.

Hon. Mr. Bernier: When I look at the order paper, I see there are three hours left, and there are only two and a half hours tonight. But as long as we are agreed that when the hour of 10:30 arrives—

Mr. Wildman: If we hurry along, we will get three hours work done in two and a half hours.

Hon. Mr. Bernier: Fine. I agree 100 per cent.

Mr. Deputy Chairman: Mr. Minister, you are on vote 702, item 2.

Hon. Mr. Bernier: Thank you, Mr. Chairman. If I may respond to the honourable member in connection with his inquiry regarding Blind River, I am sure he is aware that the environmental assessment report was just released the other day. It looks at the entire problem of development at Elliott Lake, and in the short term it gives us encouragement that we can move ahead with development there. The report does not have the answers to the long-term possible problems because of the time factor, which was clearly spelled out in that report. The report will be very carefully looked at by my staff as it relates to Blind River and the surrounding area and what will happen and what we can encourage at Elliot Lake vis-à-vis the development that should occur at Blind River.

While I do not have any answers at my fingertips, I want to assure the member that the Blind River issue is one of the problems that is first and foremost in the minds of my ministry, along with Sturgeon Falls, Longlac and a few others across northern Ontario which we hope to deal with in the next short period.

I suppose White River does not really have the same problems as other municipalities, but it has similar problems. These arise when a new industry is established in a community that has been relatively dormant for a number of years; when one gets a large company like Abitibi moving in there, and there is an influx of new workers—and it had difficulty with the mill in terms of getting employees there; we are all aware of that.

I am pleased to say that the Ontario Department of Regional Economic Expansion agreement that brought in a further development of the sewer and water facilities was one of the first I signed as Minister of Northern Affairs. So White River is very familiar to me.

We have to accept the fact that there is a supply and demand problem as it relates to lots. In many instances I do not think northerners have really accepted all the facts about the cost of putting in infrastructure. We who live there look at the massive amounts of land and we say to ourselves, "All we have to do it get a surveyor, make sure we have access to a public road, put in a septic tank, and the land should be relatively cheap." But when one starts developing it, putting in the necessary amenities to which the honourable member refers, then of course the price does go up.

[8:15]

In fact, in my own riding a subdivision was planned in Red Lake. When they finished all the surveys, cost factors and the engineering reports, the lots were \$27,000. They had open ditches; not even the storm sewers were in place. That is the kind of problem we are faced with.

We have not been directly involved in a co-ordinating role with White River. To my knowledge, we haven't been asked. We would like to think that the local authorities, I believe theirs is an improvement district—

Mr. Wildman: They are going to become a township.

Hon. Mr. Bernier: That's a major step forward. But the local autonomy is there. If they required our assistance we would be glad to move in but we certainly don't want to move in and take over, usurping their authority.

We do take a leading role in other communities, such as Atikokan which has peculiar problems with regard to its future economy. The townsite of Pickle Lake was a development project in which we accepted a lead ministry role because we were asked to do so by that community. It is an improvement district, I might say, but they had little experience dealing with government and really needed and appreciated the role taken by the Ministry of Northern Affairs in moving in and giving them their sole contact with a provincial department.

Another area under this vote in which we are directly involved is the English-Wabigoon employment strategy, where we are assisting the native people on the English-Wabigoon River system to become directly involved in commercial fishing and in co-operation with the tourist industry we are working out an excellent employment program.

The public service advisory board, both in the northeast and the northwest, also comes under this particular vote. The Moosonee tourism development project, the Manitoulin Island development agency, and the Parry



Sound federal-provincial manpower projects come under this vote. All our DREE projects and agreements are under this vote, as is the Sault Ste. Marie economic opportunities project.

Those are just a few of the areas in which we are involved. When municipalities ask us to play that role we try to co-ordinate, co-operate and do all we can on their behalf.

I was looking at the figures for White River. Last year we spent close to \$600,000 in the sewer and water development projects; this year we will wind down that project. I think it is now completed, with just the funding still to go through. About \$448,000 is in this year's estimates for payment on the White River services. Next year, 1980-81, we have projected \$30,000; so that should wind down.

I share your concern with regard to the lack of lots. I would hope, as I said earlier, that the municipalities could work something out with Marathon Realty Company Limited. I don't see why they can't. Barring that, there is sufficient crown land around White River that could be developed. Thank God, there's lots of land in northern Ontario and surely there is no shortage around White River. However, there may be some shortage in the exact location as it relates to their infrastructure. If they require some assistance from my ministry we will be glad to sit down with them and do everything we can.

**Mr. Wildman:** One of the serious difficulties they have had with getting the mill and getting the people in there is the cost of housing. Because of the lack of competition, people who aren't directly involved in the mill operation face tremendously high costs. People like teachers, people in the service area and so on who want to come in are not given any subsidy in a subdivision for instance, yet they face these very high costs because of the subsidies given to others.

That is a major problem, and I think this is the kind of thing we should be looking at in terms of assistance. I will certainly pass your comments along to the local authorities to see if they are interested.

Another thing you should look at is the tremendous length of time it has taken since the government made its decision to change its position on the sale of crown lots to appraise them and determine their value. Also, there is the question of whether or not they are going to make crown lots available to provide permanent residences for people who live in the north in places like White River

and Missanabie. They're ready to give cottage lots to people from southern Ontario, but we've got people living in the area or wanting to live and work in the area who can't get lots.

I'm a little unhappy it's taken so long for the Ministry of Natural Resources to deal with this kind of problem. There are people in Missanabie, for instance, who applied for lots last year and they still haven't been answered. I think that's a problem in other areas. I've had complaints in the southern part of my riding and in other ridings as well. That's one solution that might help to bring down the costs in these isolated communities.

**Hon. Mr. Bernier:** Mr. Chairman, in responding to the honourable member I must point out that while the cost of housing may appear exorbitant in some of these small northern communities, I think one of the real dangers and the real fears of a prospective home owner is the resale potential. That is the key. To put out \$40,000 or \$50,000 for a home in Toronto is nothing. It's easy to get a mortgage, it's no problem. The down payment is relatively low; but the resale value is there, the market is there. When you start applying that to places like White River, and even towns like Sioux Lookout and Hudson are typical examples, the resale value is not there.

**Mr. Wildman:** That's why they don't want to pay the high cost of housing.

**Hon. Mr. Bernier:** Yes. There is fear of loss on investment by the potential home owner.

The problem with crown land adjacent to organized municipalities and the desire of those municipalities to expand is one we're starting to move in on. There are problems, as the member is very much aware.

The taxes in some of these small communities are relatively low so you get a lot of vacant land, and there is no real filling in on the lots. If they're not filled it spreads the community up and down the highway. Then they come along and they want sewer and water services that are spread out a great distance and the cost is exorbitant. Other problems follow, such as the extension of electric services and school bus stopping; all these things create further problems. There has to be some reasonable, orderly development to the extension of further subdivisions in those areas, but that's an area we will be looking at very carefully with the Ministry of Natural Resources and the Ministry of Housing.

I've already had discussions with the Minister of Housing (Mr. Bennett) in connection



with the future role of the Planning Act, as it was going through its stages of redesign I suppose we might say. In fact the Minister of Housing will be in Dryden in the middle of June to have one of his public participation exercises as it relates to the Planning Act.

I've encouraged my people in that area to come out and to express the point of view you've just announced and elaborated on, that we have crown land, we have lots of land available. Sometimes I think we're using our crown land in the opposite direction. Sometimes it's a liability instead of being an asset to us. I personally feel more of this crown land should be passed out to the private sector. We can tax them sufficiently and get a return to those municipalities so they can provide the necessary services, such as recreational centres and the amenities of life we want in northern Ontario. If they can't get the land, how can they pay the taxes and how can they develop it and improve the area?

I can assure the member that's one area we will be moving in on.

**Mr. Bolan:** Mr. Chairman, what I have to say on this item deals with the question of the work of the ministry in concert with other ministries. In this particular instance I'm thinking of the Ministry of Community and Social Services. What I'd like to know is what you are going to do and what you are going to say about the completely intemperate remarks made yesterday afternoon by the Minister of Community and Social Services when he labelled northern Ontario a work camp for delinquent fathers.

Is that the general attitude of your government? Is that the insensitivity, or does it typify the insensitivity which your government shows towards northern Ontario? I know it certainly is not your view because I know you are sensitive to the issues of northern Ontario and you are sensitive about northern Ontario.

I think this has been clearly demonstrated by your knowledge of your ministry during the debate on the estimates. However, for a minister of the crown to give to the press yesterday afternoon his remarks about northern Ontario being a large work camp, or a labour camp, or a slave camp, if that's what he wants to call it, and comparing it to Siberia—part of another country which is well known—I think is disgraceful. The least he could have done today was to apologize to this House. He did not see fit to do so when I gave him every opportunity.

I would hope, Mr. Minister, when you have your cabinet meeting tomorrow, that

you're going to wring his ears and you're going to tell him, "Look, lay off northern Ontario. Northern Ontario is not a cesspool for the scum of southern Ontario."

**Mr. Wildman:** That's right.

**Mr. Bolan:** We don't want those people up there and I'm sure you don't want them either. After all, there are other ways of dealing with them. If they want to stay in southern Ontario, if you want to develop labour camps or work camps in southern Ontario, then go ahead and do so. But would you please tell him to lay off northern Ontario?

What I'd like to know, Mr. Minister, is what are you going to do? What are you going to say about these intemperate remarks of his?

**Mr. Deputy Chairman:** I don't know how that fits into item 2, Mr. Minister, but go ahead.

**Mr. Roy:** Right on, Mr. Chairman.

**Mr. Deputy Chairman:** It's project development implementation.

**Mr. Wildman:** His project is work camps.

**Hon. Mr. Bernier:** I was not privy to the honourable minister's comments. He's a very able minister, one that is very sensitive to human needs.

**Mr. Roy:** He's misguided as hell though.

**Hon. Mr. Bernier:** I'm sure he will be able to respond himself. He doesn't need me, certainly.

**Mr. Foulds:** Do you agree with him?

**Hon. Mr. Bernier:** I don't know what he said. I'm just taking in what you have said.

**Mr. Roy:** Don't you read the press?

**Hon. Mr. Bernier:** If anybody said that and it's correct, then I have to agree with you that we are not a Siberia. We are not a work camp area.

**Mr. Roy:** Right, then tell him that.

**Hon. Mr. Bernier:** We hope we're a resource development area, but I'm sure he will be looking after his own comments and will be able to respond very ably.

**Mr. Roy:** You're big enough, Leo. Take him aside; take him to the woodshed, Leo.

**Mr. Wildman:** I was just wondering if the minister may have been referring to Minaki when he was talking about work camps. Maybe this is one solution for the difficulty the ministry is having in dealing with Minaki and trying to find some use for it, since they have been taking so long to negotiate with the private sector to take it over.



**Mr. Haggerty:** I thought it was a governor's mansion.

**Mr. Wildman:** The only thing I don't understand is his comparing it to Siberia. It seems to me Minaki would be a rather comfortable Siberia. I wonder if that was what he was getting at, that he was going to use Minaki for something like sending all of these delinquent fathers up there to think about—

**Mr. Roy:** But would you trust them in Minaki?

**Mr. Wildman:** Who knows.

**Hon. Mr. Bernier:** I will not comment on the member's remarks. The former leader of that party knows very well the attitude of the town of Minaki.

**Mr. Wildman:** They don't want the south-erners either.

**Hon. Mr. Bernier:** I will let your words stand on the record to further supplement what your former leader has tried to do through the town of Minaki.

**Mr. Deputy Chairman:** The member for Port Arthur has further remarks.

**Mr. Foulds:** I would like to shift topics considerably and discuss with the minister what role he sees his ministry playing in the extension of highway facilities. I refer specifically, having had some correspondence with the minister and with the Ministry of Transportation and Communications, to the matter of highway 589 north to Dawn Lake. Just let me remind the minister briefly in case he doesn't have the material at hand. Highway 589 is the secondary highway for approximately three miles north of highway 591, north of Lappe junction. We will be talking about Lappe later in the estimates this evening. Then it becomes the jurisdiction for a couple of miles of the Jacques roads board, and then it just becomes a trap or a private road.

I have had considerable correspondence with MTC trying to persuade them to push the highway all the way north another three miles in fact, and incorporate it into the secondary road system of the ministry.

The MTC has not been too encouraging. I think it was on March 9 I wrote to this minister. Unfortunately, he hasn't had time to reply. I have just written again the other day giving further information that I had from MTC on the matter.

[8:30]

The point I want to make is it does seem from the strict standard of MTC that highway 589 doesn't fall into its criteria in terms of traffic volumes to justify upgrading it to a

secondary highway, although I find that argument a little hard to accept when they have extended part of the highway north of 591 where it is largely for local use for summer cottages and others. It goes to Surprise Lake Narrows as a secondary highway.

It does seem to me that Dog Lake would be the natural terminal of such a highway. It also seems to me in terms of potential development, both of a present tourist resort and other possible resort development on Dog Lake, it would make sense for this ministry to give positive consideration to extending that road as a development road.

I was wondering whether the ministry or any officials have responded to my correspondence internally and whether or not the minister might give favourable consideration to that extent.

**Hon. Mr. Bernier:** Mr. Chairman, I will get some answers.

**Mr. Foulds:** While you are getting some answers, one of the other members of the Legislature could change topics.

**Mr. Martel:** While the answer is being prepared, I want to talk to the minister. I overheard him on my squawk box talking about the sale of crown land and I can't understand what the government is doing.

On May 4, 1978, a resolution by his colleague, the member for Timiskaming (Mr. Havrot) was almost unanimously accepted in this House that we wouldn't sell crown land to Americans or nonresidents; it would be sold only to landed immigrants and Canadian citizens. The people who spoke in that debate were the members for Nipissing (Mr. Bolan), Middlesex (Mr. Eaton), Algoma (Mr. Wildman), Carleton-Grenville (Mr. Sterling), Rainy River (Mr. T. P. Reid) and Beaches-Woodbine (Ms. Bryden) and I.

**Mr. Roy:** What does the member for Carleton-Grenville know about northern Ontario?

**Mr. Martel:** Only the member for Middlesex and, interestingly enough, the member for Rainy River spoke against that resolution.

**Mr. Roy:** We allow freedom in this party.

**Mr. Martel:** Yes, I know. That is why your colleague today moved the bill with respect to the sale of agricultural land to non-Canadian. You can't have it both ways.

**Mr. Roy:** There is no problem.

**Mr. Martel:** What bothers me is there is a funny history going here on what we intend to do in this province with respect to crown land in northern Ontario.

In 1973, an all-party committee proposed that future land transactions be limited to



Canadians and landed immigrants. This report, by the way, was signed by the present Minister of Agriculture and Food. He knows well what the member for Huron-Middlesex (Mr. Riddell) speaks of because as a backbencher in those days he opposed the sale of crown land and also agricultural land. He signed that report. In 1974, contrary to the select committee report, the government brought in a 20 per cent land transfer tax. In 1976, two years later, the government decided this was no longer a problem. In 1977, in the spring, the government lifted the 20 per cent tax, despite the fact the government had not determined the extent to which foreign ownership had become a problem.

We studied it for 18 months. When you were minister of Natural Resources, your legal staff provided us with some of the background which led the select committee to make the type of recommendation it did. Then on March 2, 1978, the then minister, who is now the Treasurer (Mr. F. S. Miller), announced a new government policy. It said that in the first year only residents of Ontario could buy, in the second year residents of Canada could also buy or lease, and in the third year nonresidents were allowed only to lease.

The minister himself is opposed because on February 28, 1978, he was apparently at odds with the present Treasurer who was then the Minister of Natural Resources. About two months later, on May 4, his colleague the member for Timiskaming introduced a resolution in this Legislature. I will read it for the minister: "Resolved: That in the opinion of this House the government should give consideration to legislation that would prohibit the transfer of leased crown lots in the province of Ontario to anyone other than Canadian citizens."

That vote carried. In the face of that vote, the government went its merry way as though the Legislature had not spoken at all. I can no longer understand what votes mean in this House when it is so flagrant that the minister's own colleague, the member for Timiskaming, gets a resolution through the House, and then the government says: "To hell with it. It doesn't matter what the House has said. We'll go our merry way." The then minister used some cockeyed excuse that we will get more development in the north if we sell the land. But that's not a factor. The minister and I both know that as soon as lots become available on a lake they are grabbed up, by lease or any other way.

There's no problem? Well, there were fewer than 200, and they were up in Polar Bear Park, or near it. But the land around

the city of Sudbury, the land in the minister's area, as quickly as it came up for lease, was being taken up.

Mr. Wildman: There weren't enough lots.

Mr. Martel: That is the key problem facing us in the north. There are not enough cottage lots available.

An hon. member: What's the member's position?

Mr. Martel: Mine?

Hon. Mr. Bernier: Talk to your colleague behind you; get in step with him. You're both out of step.

Mr. Martel: My colleague and I, and my colleague from Sudbury (Mr. Germa), sat on one of the committees which, when the minister was Minister of Natural Resources, he had in the various areas. We got a motion through that we would not build all around a lake but we would create subdivisions with the proper type of environmental controls and leave the lakefront for the people.

The problem is not one of selling land so that we encourage cottage development; the problem is insufficient land.

Hon. Mr. Bernier: Oh!

Mr. Martel: Coming on stream from the Ministry of Natural Resources? There is not nearly enough. Anything the ministry could churn out in the Sudbury area would be grabbed up so quickly it is not even funny.

Hon. Mr. Bernier: You're not a northerner when you talk like that. You talk like you're from southern Ontario.

Mr. Foulds: How many cottage lots does the government have available?

Mr. Martel: In the Sudbury district there are 25 or 30 lots coming out this year. The problem is not what the then minister, now the Treasurer, said. He said we did not have construction because people would not take leased land to put a cottage on. That is not the case at all; the minister knows it and I know it. To refresh his memory, the minister himself, on February 28, 1978, opposed that position taken by the then Minister of Natural Resources, now the Treasurer. It indicated to me how much clout the minister has as the minister responsible for northern Ontario when the line minister was able to beat him down.

Hon. Mr. Bernier: No way.

Mr. Martel: The minister opposed his colleague's proposals. On February 28, 1978, he indicated he did not agree with the then Minister of Natural Resources.

Hon. Mr. Bernier: For selling land?



**Mr. Martel:** Yes. The minister was prepared to lease it.

**Hon. Mr. Bernier:** You are entirely wrong; you are off base.

**Mr. Foulds:** You were misquoted before you made that statement, were you?

**Mr. Martel:** Was the minister misquoted?

**Hon. Mr. Bernier:** I have always been in favour of the sale of cottage lots.

**Mr. Martel:** The minister changed his mind again, but that is not unusual.

**Hon. Mr. Bernier:** I haven't changed my mind.

**Mr. Martel:** The important matter is that this House voted against that and voted to support the minister's colleague's resolution. My question is: Where does the cabinet get off in going against the majority of this House? Let me tell you who was in the House when we voted on that. We know from their interjections—they didn't take part—but we know from their interjections that there were quite a number of cabinet ministers here; Baetz, Miller, Norton, my friend the late John Rhodes, Bob Welch, they were here. You just look at the interjections when that debate was going on and you know they were in the House. How do you do it? Does this Legislature and what it passes mean nothing?

**Mr. Roy:** I guess not.

**Mr. Martel:** The government simply says, "We don't care what the House voted; we are simply going to proceed anyway."

**Mr. Roy:** I guess we know who the boss is.

**Mr. Martel:** What kind of hypocrisy is that? That is too much, and I want to tell the minister, it would do him the world of good to go back to the Ministry of Natural Resources and find out what the opinion is over there because there was almost a blood-letting at that time going on in there. The civil servants, to their credit, did not want to proceed with this.

**Mr. Wildman:** That is right.

**Mr. Martel:** They didn't, because they could see that the material that your friend was bringing forth was total nonsense. If you want to say, "We simply believe in the sale of crown land," that is fine, but I remind you that it was your government that set up the select committee to study these problems, and your colleague who sits to your immediate left signed that.

I can't see how you can play around with everything that says that to the south of us, within 100 miles of our border, there are roughly 100 million Americans looking for

land. They have also got more disposable income than we have, so that in fact they can come up here and buy land. They are driving up the price of land.

**Hon. Mr. Bernier:** They are only leasing.

**Mr. Martel:** They are leasing. You can't even stop that. Have you looked at what is happening to the lease of crown land, the proportions it is reaching now? It costs \$500 and \$600 a year to lease a piece of property. Do you know what that means to the average worker who tries to lease land at that price? It is nuts. You are simply taking Canadians and Ontarians out of the realm of even getting a cottage, and the more you allow this to continue the worse it is going to become.

I think it is time the minister, who talks about protecting us in northern Ontario, did something about it and I think it is time he looked at that resolution and took this House seriously, because he can't have it both ways.

**Mr. Laughren:** You are making a lot of sense.

**Mr. Martel:** Thank you. My friend—from what riding? Thank you.

**Mr. Laughren:** Socialists make a lot of sense.

**Mr. Lane:** It's hard to detect sometimes, though.

**Mr. Martel:** Where did you vote on that resolution? If I recall correctly, you supported that resolution.

**Mr. Lane:** I voted the right way.

**Mr. Martel:** You supported that resolution on that occasion.

**Mr. Roy:** You don't have to compromise yourself, John.

**Mr. Martel:** Right. You supported your colleague's resolution.

**Mr. Roy:** Take the fifth amendment.

**Hon. Mr. Bernier:** We believe in ownership on this side.

**Mr. Martel:** But you didn't vote that way.

**Hon. Mr. Bernier:** Yes, I did.

**Mr. Martel:** No, you didn't. No. That minister was misquoted then on February 28, 1978. You are always misquoted, Leo; you are always in a fog, even when you are fogged in.

But, I just tell you that the government has changed its position with respect to crown land in northern Ontario in 1973, 1974, 1976, 1977 and 1978. What goes on over there? That is six changes of position from 1973 to 1978.

**Mr. Foulds:** You would think Stuart Smith was in the cabinet.



**Mr. Martel:** You would think it was a Liberal cabinet.

**Mr. Roy:** Hell, we are consistent compared to that.

**Mr. Martel:** Yes, you only change once a day.

**Hon. Mr. Bernier:** You said that. I didn't.

**Mr. Martel:** It really bothers me that you pay no attention to what the needs are. I would think the minister, in fact, should be honouring that resolution and be working to get subdivisions somewhat a little back from the waterfront, so that we could provide the services which would prevent the waterways from becoming polluted, and that would lead to the type of financial development we want in terms of small businesses both selling and building some cottages for people in northern Ontario. If the government proceeded in that way, we would have that type of economy which would help northern Ontario.

[8:45]

By restricting the number of lots that come on stream and by opening them up to other than Canadians, the government is making it impossible for Canadians to be in the ball game. The minister should go back and read the select committee's report because it was relevant in 1974 and it is still relevant today. The minister who is leading the way should get on the ball and do something about it.

**Hon. Mr. Bernier:** Mr. Chairman, if I may respond to the member for Port Arthur, with respect to highway 589, we do not have the details of that access road with us at the present time, but I will get the answers to the member's inquiry and report back to him directly.

**Mr. Foulds:** I think the important thing for his ministry to keep in mind, in considering the development of a road such as this, is not merely the present traffic flow, which is the framework within which the Ministry of Transportation and Communications has to operate, but it should look at that in terms of the potential of developing the road to a good standard for tourism, for local use and for any other possible development. I don't know what other possible development there might be, but I think it does make some sense in the case of a three-mile stretch of road, of which there is already a base, to use that as a possibility for a modest northern development road.

I put it to the minister in those terms. I thought I had put it to him in those terms in my letter in March. I have obtained addi-

tional information from MTC, which I have forwarded to the ministry within the last week or so. I would like them to look at that and to look at what MTC is doing, along with the local roads board, to see if there is some kind of arrangement that can be made that would make that a sensible project.

**Hon. Mr. Bernier:** I would be glad to do that. In reply to the member for Sudbury East, it seems to me I have heard his speech on crown lands so many times now I am confused. I don't know whether he is in right field or left field or far-left field or in the ballpark at all.

**Mr. Martel:** I haven't changed my position at all.

**Hon. Mr. Bernier:** He is crossing back and forth all the time.

**Mr. Martel:** I have never changed my position—not once.

**Mr. Foulds:** You can say many things about the member for Sudbury East but you can't say that.

**Mr. Chairman:** Order.

**Hon. Mr. Bernier:** I must say my position has not changed. I think crown cottage lots should be sold to Ontario residents first, Canadian residents second and leased to nonresidents. I think that is a very fair and positive policy and one that will allow Ontarians to own a summer cottage. Ownership is the key. That is the difference in our political philosophies.

**Mr. Martel:** You are going to eat some of your words.

**Hon. Mr. Bernier:** The members of the third party want big government to hang on. Ninety per cent of the land mass and 10 per cent of the population are north of the French River, and you do not want to give up any bit of it. If you were the government, you wouldn't give up anything; you would own everything.

**Mr. Foulds:** That is just not true. It is complete balderdash. You might even be misleading the House.

**Hon. Mr. Bernier:** We don't believe that. We believe in encouraging private initiative, individual initiative and pride in ownership. The members of the third party like to own their own homes in their communities. They like to own their own cars. They like their ownership. They take pride in that. Why shouldn't somebody having a summer cottage do the same thing? Don't worry about the pollution because the Ministry of the Environment has all the rules and regulations.



**Mr. Foulds:** The minister knows that is not right.

**Hon. Mr. Bernier:** The health unit is there and is controlling those septic tanks.

**Mr. Foulds:** You don't have enough lots because you can't meet their standards, minimum as they are.

**Hon. Mr. Bernier:** They are all in place. Don't come around here and say we shouldn't be doing these things. If we are going to do something for northern Ontario, there is nothing better and there is no simpler way of creating development and economic movement than to encourage development of summer cottage lots.

If the member for Sudbury East, as a northerner, really moves around the north and talks to northerners, what is the second thing they want besides their home?

**Mr. Martel:** A cottage.

**Hon. Mr. Bernier:** Exactly right, they want a cottage. They want to own a summer cottage beside the lake.

**Mr. Bradley:** They want a change of government.

**Hon. Mr. Bernier:** There are 250,000 lakes in northern Ontario and the members opposite want us to preserve them and not to touch them.

**Mr. Foulds:** How many cottage lots have you got?

**Hon. Mr. Bernier:** It's the law of supply and demand.

**Mr. Foulds:** Oh no.

**Mr. Martel:** Baloney.

**Mr. Foulds:** What's the supply? Have you forgotten so quickly since you left Natural Resources?

**Hon. Mr. Bernier:** We have made it very clear to the Ministry of Natural Resources that if they required extra funds, we as the ministry would provide them. We have been providing them with extra funds for cottage road development, for surveying of subdivisions in northern Ontario and we will continue to do that to meet the supply and demand. It has to be there. I would like to see that program accelerated. I think it is a good program and it has to be accelerated to meet the demands of northerners.

My God, we live up there, and if you and I as northerners can't own a summer cottage lot, then we might as well move down to southern Ontario. That's one of the amenities we have as northerners, to own a summer cottage lot, and I see nothing wrong with that.

The policy this government has is a fair and

just one for today's society and for future generations.

**Mr. Martel:** Oh, yes. With respect to this big platitude about the difference between us and the minister over there, let me quote from the 1971 throne speech. He supported that. Now listen to what it says with respect to the matter.

"To further preserve our heritage, crown lands will henceforth be made available only on lease basis." That was in the 1971 throne speech. Does the minister recall it? Don't tell me about the difference between you and us. That's your throne speech.

**Mr. Foulds:** Who was the Premier then?

**Mr. Martel:** Let me go on.

**Mr. Foulds:** That was Davis's first throne speech.

**Mr. Martel:** The minister supported the budget speech of 1974.

**Mr. Laughren:** So did the Liberal Party.

**Mr. Martel:** It says, "In examining the rapidly rising prices for real property in Ontario, it has become increasingly apparent that large-scale acquisition of land by nonresidents of Canada is a significant factor." I didn't say that, the Premier wrote that speech—

**Mr. Foulds:** No, no, it was the Treasurer.

**Mr. Martel:** —in conjunction with the Treasurer. And they got somebody to read it. The Treasurer didn't write it. He just went along with it.

**Mr. Foulds:** It's Claire Hoy.

**Mr. Martel:** That was the budget in 1974. But if that isn't enough, let's try the "Duke of Kent." In 1976, Mr. McKeough made an inspiring statement. Listen to what the duke said then, in spite of an announcement in October: "... would develop a monitoring system which will regularly produce a complete list of land ownership in Ontario." And that hasn't been done.

The minister gets up here with all of that claptrap he just went through a few minutes ago; yet those are the different positions taken by his government to determine what was happening to land. In fact, they said that to retain our heritage, we would have to lease the land. Then they reinforced it. They said it had now become apparent that too much land was being purchased by other than Canadians or landed immigrants. Two years later, the government is going to set up a monitoring system to determine where the land is going and who is buying it. It hasn't been done.

Then he has the effrontery to stand up there and spout that claptrap and say that's the difference between him and us. Can he



tell me what changed his mind on all those occasions? How can he move tweedledum, tweedledee and back to tweedledum whenever it is convenient? Tonight he gets up and says, "It's a case of supply and demand." I want to tell you, Mr. Chairman, the problem of getting cottage land in Ontario isn't a case of leasing, it's a case of not enough being prepared to put on the market. You know it and I know it.

**Hon. Mr. Bernier:** You said that.

**Mr. Martel:** No, no. The minister said we would put some more on. He said, the "pride of ownership." As quickly as he puts land on the market for sale people are lining up and are still lining up to buy it and put their cottages on it. What has changed?

**Mr. Foulds:** You can't even put on 500 a year, and you know it.

**Mr. Martel:** What has changed the government's mind after those types of statements in two throne speeches and the budget speech? They want it every way, but they can't have it. They always come back to that line, "Well, the difference between us and you is that you want big government."

Who has been in power all these years? The minister says we want big government. If the government has a lot of problems, they have been the authors. They have been in power all those years.

**Mr. Foulds:** Who created big government? You're the biggest one of them all.

**Mr. Martel:** They created a whole ministry for him.

**Mr. Laughren:** That's big government.

**Mr. Martel:** It's big government that can afford to create a ministry to be a PR agency for the line ministries. And the minister gets up here with this nonsense. But tell me why, all of a sudden, these things which were said and announced don't matter anymore.

Does the minister know where the land is going? Does he know who's getting the leases—

**Mr. Laughren:** That's business.

**Mr. Martel:** —or how they're being transferred from a citizen of Ontario to an American after a year or two? Does he have any monitoring systems?

We paid over \$2 million for a select committee on economic nationalism and it included a land study. The government hasn't paid one iota of recognition to the work done by that select committee. Nothing. It's just ignored it. In fact, if one listens to the Minister of Industry and Tourism as he gives the bundle away, he flies in the face of the four-

year study which says all they want is a portfolio investment, not equity.

There are 21 reports which say that and they're not all done by the select committee; nine of them were done by Kates, Peat, Marwick.

The government is undercutting any proper development of this province and that's why we have 325,000 people unemployed; that's why we have trade deficits galore; that's why we're in the lousy mess we're in.

**Mr. Laughren:** Put on your clown suit, Leo.

**Mr. Martel:** I tell the minister he will get up there—

**Mr. Laughren:** Put on your clown suit, Leo.

**Hon. Mr. Bernier:** You guys are a bunch of phonies.

**Mr. Martel:** Phonies? Look at the deficits. Look at the deficits in every field, whether it's mining equipment, you name it.

**Mr. Laughren:** You and your wild rice.

**Mr. Martel:** Whatever field you look at, Mr. Chairman, there's a trade deficit. And now it's land. There's a shortage of land. We knew it in 1971. The thing that led to that study was that the minister couldn't get a piece of land on Lake Erie—

**Hon. Mr. Bernier:** Get with reality.

**Mr. Martel:** —and he still can't. We did four years of study, we had all these grand pronouncements and finally, a resolution from the member for Timiskaming. Why didn't the minister turn around and tell him that he's in favour of big government? Or his colleague for Algoma-Manitoulin who voted for it? Was he in favour of big government?

**Mr. Wildman:** Do they not agree with your philosophy?

**Mr. Martel:** The minister just rambles all over the place. The trouble with engaging in a debate with him is his only argument is a simplistic one. He gets up and says: "All you want is big government. And we have a different philosophy."

**Mr. Laughren:** We're laughing at you, Leo.

**Mr. Martel:** Why doesn't he get up and talk about the issues, tell me about these statements and what has changed, and tell me about why he spouts off that it's just this side of the House when the resolution came from the member for Timiskaming?

**Mr. Laughren:** That's right.

**Mr. Martel:** Tell me about that. Why did the member for Timiskaming move it? Why



did the member for Algoma-Manitoulin support it? Because they see the sale of crown land. The member for Algoma-Manitoulin is much closer to the border than the minister is and I suspect now he sees it because his island is predominantly owned by other than Canadians.

**Mr. Laughren:** He's nodding in agreement.

**Mr. Martel:** He understands that and he agrees with the resolution moved by his colleague, the member for Timiskaming. But the minister should tell them, too, that they just think in terms of big government, that there's a difference between us and them. The minister believes in ownership. Why did they vote for it? Why did they move it?

Why doesn't he talk about the issue instead of the blustering he always does? I go back a long way with him.

**Hon. Mr. Bernier:** Who is blustering? Look in the mirror and see who is blustering.

**Mr. Martel:** I remember talking to him about the whole field of mining and he told me I was all wet. But the Ham commission didn't say I was all wet, did it? The minister was the only blind one and he continues to be.

**Mr. Laughren:** Go back to the Ham commission, Leo.

**Mr. Martel:** Yes, go back.

**Mr. Laughren:** Hide your head.

**Mr. Martel:** We've always heard—

**Mr. Laughren:** Go hide your head in shame.

**Mr. Martel:** —we've always heard his blustering.

**Mr. Laughren:** You set it up because you were forced to set it up. You were embarrassed into it. You were ashamed.

**Mr. Martel:** Right. The minister had no option.

**Mr. Laughren:** You were stunned.

**Mr. Martel:** And he told me I was all wrong about hearing. The Minister of Labour has now established a committee to look into the whole hearing problem, but I was all wrong.

Interestingly enough, it was a hearing specialist who prepared most of my material. I didn't know what I was talking about but the hearing specialist did. And how he blustered, "You don't know what you're talking about."

Now there's a committee doing it. The minister should talk to the issues, tell us about why he's changed and never mind the blustering about my political philosophy, because it was his colleagues who moved it. And tell me why he's gone against the

vote of this Legislature. Just for once, talk to the issue.

[9:00]

**Mr. Laughren:** Tell the truth, Leo.

**Hon. Mr. Bernier:** It's very simple. The government, in its wisdom, has decided this is the route we're going to go. This is a responsible government. We've decided that a summer cottage lot, which is nothing comparable to the huge landholdings of the member for Algoma-Manitoulin, or the Algoma Central Railroad, it's nothing compared with that—

**Mr. Martel:** We're not talking about that.

**Hon. Mr. Bernier:** That's what you're comparing it with.

**Mr. Martel:** No, I'm not.

**Hon. Mr. Bernier:** That's what you're comparing it with. That's what you're talking about. That's the fear you've got. You would deny an Ontario resident, a Canadian resident, ownership to a summer cottage lot. You would. That's what you're doing. You would deny that simple right of an Ontario resident. The government in its wisdom has seen fit and that's it.

**Mr. Martel:** They moved it.

**Hon. Mr. Bernier:** It's plain and simple. It's been documented and the route we're going was in the throne speech. We're going in that direction because we think it's the right way. It's the way to go, too, if you're going to provide development in northern Ontario and do the things we want in northern Ontario. People would sell their homes before they would sell their summer cottage lots in northern Ontario.

**Mr. Laughren:** We're not asking them to.

**Hon. Mr. Bernier:** It's there. It's in place and I think ownership is the right way to go, particularly as it relates to a small summer cottage lot. I'm sure the members sitting behind you agree with that philosophy and not with yours.

**Mr. Wildman:** I just want to raise one very important matter. The member who sits behind the minister introduced the resolution and the minister is rejecting that.

**Hon. Mr. Bernier:** Are you against ownership of the summer cottage lots?

**Mr. Wildman:** I raised with you permanent residence lots and it seems to me ridiculous for you to be selling cottage lots when permanent residents can't get any residence lots in my area. When you can deal with that, then I'll talk about cottage lots.

The one problem with what you're doing with cottage lots and why the ministry was opposed to what the present Treasurer was



introducing, is that two years after you sell the lots to the Ontario or Canadian residents, you have absolutely no control over what they do with it. All that has to happen is for some American developer to come in and buy up a whole lot of these lots, develop them, sell them as condominiums or something to nonresidents, and there is nothing you can do about it. If there is something you can do about it, tell me. Tell me how you're monitoring what is happening with the lots being sold? Are you monitoring?

**Hon. Mr. Bernier:** The member is totally missing the point. When those summer cottage lots are sold to an Ontario resident, there are certain requirements he must live up to and one is he must expend a certain amount of funds to develop that. That is the economic development and stimulus we want in northern Ontario.

**Mr. Wildman:** That was also required when you leased it.

**Hon. Mr. Bernier:** We believe ownership should be supreme, there should be no encumbrances or no encroachments or attachments to that ownership at all.

**Mr. Martel:** And after two years?

**Hon. Mr. Bernier:** The Ontario government has always prided itself that when it gives ownership it's ownership in fee simple. It's there to use any way you see fit. That's the type of freedom we look to on this side of the House.

**Mr. Martel:** You voted for it.

**Hon. Mr. Bernier:** I'm not answering for them. Let them answer for themselves. They're big enough to answer for themselves.

**Mr. Chairman:** Order.

**Hon. Mr. Bernier:** I'm not going to sit here and answer for them. I'm telling you what the government policy is today. That's what it is and it's the right one. You'll be on the bandwagon in a short period of time supporting that policy.

**Mr. Martel:** No, I won't.

**Mr. Laughren:** Perhaps we should put it in a little bit of perspective. We had a policy in Ontario that was working and that policy was people would lease cottage land, would lease lakefront land. It was working.

**Mr. Wildman:** It's just that you weren't putting enough lots on the market.

**Mr. Laughren:** At the present time, and even in those days, whatever number of lots the Ministry of Natural Resources in northern Ontario put on the market were gobbled up faster than the ministry would put them on the market. There was no question there

were not enough lots being sold. There was a lineup. Every time a subdivision on a lake was developed, every time it went to auction, or whatever, the lineup was much greater than the availability of lots. The minister can't deny that.

**Mr. Wildman:** They had to have lotteries.

**Mr. Laughren:** That's why they had to have lotteries as to who would buy the lots, as to who would get the lots. The minister can't deny that. If the minister denies that, he is, quite frankly, lying. Everyone knows there are not enough lakefront lots available in northern Ontario to supply the demand by Ontario residents.

Given that, how does the minister justify putting lots on the market that can be sold to nonresidents if there are not enough lots available for Ontario Canadian residents? I don't know how the minister can justify that. We had a system that made sense.

**Hon. Mr. Bernier:** It didn't make sense.

**Mr. Laughren:** Perhaps the minister could tell us why it didn't make sense. There was control over the development of lakes. There were not enough lake lots available for Ontario or for any Canadian residents. Yet now the minister is saying we are going to sell them. By doing that—this is what the minister is saying—he is admitting he will sell them to Canadian residents who will in turn be free to sell them to American residents. That is what the minister is saying, as though there was not enough demand by Ontario residents for those same lots.

Is he really trying to tell us there are not enough Ontario and Canadian residents who want to buy lakefront lots in Ontario? If he is not saying that, then I wonder what—

**Mr. Lane:** A point of order, Mr. Chairman: I don't think cottage lots come under the Minister of Northern Affairs or this vote.

**Mr. Laughren:** Well, project development.

**Mr. Martel:** Project development.

**Mr. Lane:** I don't think the Ham commission comes under this vote or this ministry either. I would like to know how a minority on the opposite side of the House can force a majority government into bringing in the Ham report.

**Mr. Roy:** Is he the minister of northern Ontario or is he not?

**Hon. Mr. Bernier:** Good point.

**Mr. Lane:** What is wrong? Are there not enough things the Minister of Northern Affairs is responsible for that you can talk to him throughout the evening about his min-



istry? I think the whole thing is out of order, Mr. Chairman.

**Mr. Wildman:** It says here in the briefing notes under "Project development and implementation"—702, item 2—that this ministry: "negotiates with other ministries and other levels of government various programs in their cost sharing." If this is not a government program carried out by another ministry, I don't know what is. So this should apply here. We can discuss this as a government program and it has been carried out by another ministry.

**Mr. Roy:** Right. You don't need a haircut, Bud.

**Mr. Laughren:** The last thing the member for Algoma needs today is a haircut.

**Mr. Lane:** I asked for his barber's name so I wouldn't go to the same one, but he wouldn't give me his name.

**Mr. Martel:** He might take your moustache, John.

**Mr. Laughren:** It really was unusual for the member for Algoma-Manitoulin, who supported the bill of the member for Timiskaming, to get up and defend the minister who is in trouble on this issue.

The minister had to distort the debate, didn't he? He is having problems responding to the points made by the opposition.

**Mr. Lane:** Why don't we talk about that in Natural Resources when it comes up? I want to talk about that under the proper ministry when it comes up.

**Mr. Laughren:** This is the proper ministry.

**Mr. Chairman:** Perhaps the member for Nickel Belt, if he wants to continue, would address his remarks through the chair?

**Mr. Laughren:** Thank you, Mr. Chairman, I will do that. I would just say the member for Algoma-Manitoulin surely was being facetious when he said the government in a majority situation would not have set up the Ham commission because of pressure by the opposition.

Perhaps the member for Algoma-Manitoulin is feeling somewhat guilty about his own role in the plight of miners of Elliot Lake, because that happens to be in his riding. He should hide his head in shame, and so should the Minister of Northern Affairs. You both played roles shameful for a member of the government, and you know it. That is why you brought in the Ham commission, and you know it.

**Hon. Mr. Bernier:** You have stopped more jobs in northern Ontario, that gang of yours—

**Mr. Laughren:** We have saved more lives too.

**Mr. Foulds:** What jobs have you created? Name one that we stopped. Name one.

**Mr. Chairman:** Order. Order. Could the honourable minister and the member for Port Arthur contain themselves and listen to the member for Nickel Belt?

**Mr. Laughren:** Thank you, Mr. Chairman. Perhaps in your role as chairman, you could tell us first of all which party has formed the government for the last 35 years. Secondly, could you say what number of those years there's been a minority government and how it is that the minister can blame a minority situation—particularly the third party—for costing jobs in northern Ontario when it's his government that's the architect of misfortune in northern Ontario? As a matter of fact the chamber of commerce in Sudbury put it all together when they described the role of this government as a profile in failure.

If anybody personifies that, it's the Minister of Northern Affairs, formerly Minister of Natural Resources. The Minister of Northern Affairs is not serving northern Ontario well, and he is not serving the province as a whole well, when he will take a program that is—

**Mr. Lane:** That's not a fact and you know it.

**Mr. Laughren:** He is the minister of red tape for northern Ontario. That's all he is.

**Mr. Lane:** That party is always crying about what it didn't get and it wants a good piece of Northern Affairs, and it is getting a good piece of—

**Mr. Chairman:** Order, order.

**Mr. Lane:** I raised a point of order a while ago saying this is not the vote we're on and it's not the minister we're on. Are you going to rule on it or not?

**Mr. Chairman:** Order, order.

**Mr. Lane:** Are you going to rule on the point of order or not?

**Mr. Chairman:** Order, order.

**Mr. Roy:** You're very close to contempt, John.

**Mr. Chairman:** I appreciate the comment made by the honourable member and the point of order. We are now doing the estimates of the Ministry of Northern Affairs, item 702-2, project development and implementation. I believe if the minister in reply wishes to state that he has nothing to do with it, I'd be very happy to hear that.

**Mr. Bolan:** Wait your turn, John.

**Mr. Laughren:** Thank you, Mr. Chairman. Perhaps the next time the member for Algoma-Manitoulin feels the need to intervene he could tell us why he supported the bill by



the member for Timiskaming in the first place.

**Mr. Chairman:** Perhaps the honourable member would return to the estimates.

**Mr. Laughren:** Yes, Mr. Chairman, I am asking you if you could ask the member for Algoma-Manitoulin if he could explain to the Legislature why it is that he felt compelled to support the member for Timiskaming—

**Mr. Lane:** I'm going to talk about that in the Ministry of Natural Resources.

**Mr. Laughren:** —because it is a policy that affects northern Ontario in particular, Mr. Chairman.

**Mr. Lane:** I'm going to talk about it when the proper ministry is before us.

**Mr. Foulds:** You're in good form tonight.

**Mr. Laughren:** It's with a great deal of restraint that I confine my remarks and make them as brief as I have.

The Minister of Northern Affairs has not done his job. He is supposed to be a coordinating ministry. When we as sitting members talk to the other ministries of the government and we mention Northern Affairs to them, they all shrivel up and—

**Mr. Roy:** Do they smile?

**Mr. Laughren:** They either laugh or they shrivel up.

**Hon. Mr. Bernier:** You would like to believe that.

**Mr. Laughren:** The other ministries just feel that the Ministry of Northern Affairs is nothing but an impediment to the development of northern Ontario.

**Mr. Roy:** And they say, "ah yes, sure."

**Mr. Laughren:** Because quite frankly, all of the policies over which the Minister of Northern Affairs has any kind of say are already in place in other ministries of the government.

There's no better example of how this minister is selling out northern Ontario than in his policy with lots on lakefronts. He sold out the mineral and lumber resources of northern Ontario and now he has moved into a position where he can sell out the lakefront lots of northern Ontario.

**Hon. Mr. Bernier:** Mr. Chairman, I've said it before, and I'm going to say it again about the attitude of the member for Nickel Belt, the bell rings loud and clear. It's been ringing that way since the last election.

**Mr. Laughren:** Put on your clown suit, Leo.

**Hon. Mr. Bernier:** Northern Ontario was the playground of the NDP. It was their

bastion, it was their political base in northern Ontario.

**Mr. Wildman:** The bell tolls for the Conservative government.

**Hon. Mr. Bernier:** They said, "We have things under control; they're all socialists up in northern Ontario; they belong to us; they belong to the NDP; we're going to take over and we're going to form the government from that northern Ontario base." Right?

**Mr. Laughren:** Answer the questions. [9:15]

**Hon. Mr. Bernier:** That's what you thought. What happened after the last election? The government formed the Ministry of Northern Affairs.

**Mr. Roy:** What do you mean?

**Hon. Mr. Bernier:** We took some action. We answered the needs of northern Ontario. We got input from northerners; we responded to their requests. We came back with three seats.

**Mr. Bolan:** I represent two.

Interjections.

**Hon. Mr. Bernier:** You are not. I can tell you right now that you will lose two more seats in northern Ontario at the next election.

Interjections.

**Mr. Martel:** Oh, yes.

**Hon. Mr. Bernier:** I won't tell you. You know.

**Mr. Foulds:** Do you want to place a little bet on that?

**Hon. Mr. Bernier:** No. The Liberal Party now has two seats and I think we will leave them with two. We should have a little opposition, but you will lose two more.

**Mr. Roy:** We're going to get more, when we've got quality members like we've got.

**Hon. Mr. Bernier:** The base is gone. You know it and I know it.

**Mr. Laughren:** Answer the question. Always the clown.

**Hon. Mr. Bernier:** The old political base, that old attitude that you people had about northern Ontario being in your hip pocket, is not there any more, fellows, it is gone.

**Mr. Foulds:** It is not in your hip pocket, either.

**Hon. Mr. Bernier:** No, it is not in mine. It is gone.

Interjections.

**Mr. Chairman:** Order, order. I would like to remind the members—

**Hon. Mr. Bernier:** You're going to bleed a lot more before we are finished with you.



**Mr. Chairman:** I would like to remind the members that we have an hour and 15 minutes.

**Hon. Mr. Bernier:** I just want to say what our role is—pardon me?

**Mr. Martel:** Back to the issue now. It's crown land, if you've forgotten.

**Hon. Mr. Bernier:** You had to hear that; you wanted to hear that.

**Mr. Ashe:** Tell him for 15 minutes and call it a night.

**Hon. Mr. Bernier:** Our role is simply to co-ordinate and to bring to the attention of other ministries the specific needs, the unique needs of northern Ontario residents. Certainly our efforts in working very closely with the Ministry of Natural Resources as it relates to the development of summer cottage lots won't be all on the waterfront. They won't be all on the waterfront. They can't be.

**Mr. Laughren:** Why sell to the Americans then?

**Hon. Mr. Bernier:** We believe in your concept of cluster development; I think that makes sense. No question about that. We will provide funds from our budget for the development of properly planned summer cottage subdivisions that relate to the lake, after a lake survey has been taken.

We are not going to repeat the problems of Lake Simcoe or Lake Erie in northern Ontario—not at all; we don't intend to do that. But there is still lots of room for development of summer cottage lots—

**Mr. Martel:** We are not saying there isn't.

**Hon. Mr. Bernier:** —and selling them to residents of Ontario and residents of Canada.

**Mr. Laughren:** Oh, that's a red herring. That's not what you are selling to the Americans.

**Hon. Mr. Bernier:** There is no problem with that. I have no difficulty living with it and neither do the residents of northern Ontario.

Interjections.

**Mr. Haggerty:** I want to address myself to vote 702, item 2. The explanatory note says: "The activities include the financial and program planning branch in Toronto and the regional and community development branches in Sudbury and Thunder Bay that perform the following functions," and it gives six or seven items there.

My concern is about the first sentence I quoted here, "The activities include the financial and program planning branch in Toronto." That doesn't leave much for the northern communities to have some voice

in the directions in which these communities want to grow and develop, and particularly as it relates, as the member for Nickel Belt said, to job creation.

It goes on to say about one of the other areas "to explore and undertake, where feasible, projects relating to the expansion of the economic base of the region."

For some time now, Mr. Chairman, I have directed questions to the Ministry of Industry and Tourism and the Ministry of Natural Resources, trying to get some definite answer in the matter of the Ministry of Natural Resources' report called A Nickel Policy for Ontario. There have been a number of proposals in that study and recommendation. One was to encourage the importation of Inco subsidiaries' technical and nickel manufacturing expertise acquired through recent diversifications and not now employed in Canada, for the purpose of creating new industry and employment in Sudbury and perhaps in other areas throughout north-western Ontario.

Just what steps has the ministry taken in this particular area to diversify the industry in the Sudbury basin and other nickel towns in Ontario, as to what directions have you given to Inco, and perhaps even to Falconbridge, to say that they must take further steps to refine or process other precious metals that arise out of the mining operations in the Sudbury basin?

This is a matter that was discussed I think in some detail during the select committee dealing with the Inco layoff. With the present situation as it is up in the Sudbury basin now, I thought perhaps the ministry had ample time to come through with an economic study of that particular area, as it relates to the present labour dispute that has continued for some nine months. This, I suppose, should never have happened in the first place, but I don't think the government or even the Ministry of Labour has been very effective in getting a settlement to that labour dispute.

Surely, now, there should be an economic study made in the Sudbury basin as to what impact the strike has had on that community and what impact this proposed nickel policy will have on communities in northern Ontario. I think it is long overdue in this particular area.

We, on this side, would like to know just what direction this government is proposing to take in this area of encouraging further mining processing in Ontario. It has been an issue that has been kicked around here for a number of years and I think it is time for this government to state in which direction



they are heading; what new employment we can expect in northern Ontario. Could the minister reply to some of those questions and perhaps give us some clearcut direction as to which way the government is moving?

**Hon. Mr. Bernier:** Mr. Chairman, I might say this matter has been discussed at some length in the earlier part of the examination of my ministry's estimates. But I would be glad to review some of the things we are doing in the Sudbury area.

Just to review: The 2001 conference that followed the layoffs at the Inco plant last fall was by local initiative, with representatives brought together at the local level, whereby they would look at some diversification of their economic base. They required a certain amount of seed money. The member will recall the Premier himself went to Sudbury and met with delegates of the 2001 conference. I think it was a two- or three-day conference held at the university. I was pleased to attend the conference with the Premier. At that time he announced \$600,000 would be allocated over a three-year period for that local group to look at their problems, to bring the community together, in one direction and try to work on some diversification of their economic base. That is moving ahead.

In fact, the member for Sudbury and my colleague, the Minister of Government Services (Mr. Henderson) have just returned from the Sudbury basin where they were looking at the Burwash site for a development that may occur as a spinoff from the 2001 conference and that could employ up to 200 people in a field other than mining. That is well underway, that is moving ahead.

We are subsidizing the development of an industrial park in the Sudbury basin known as the Walden Industrial Park. In previous years we have invested well over \$2 million in it; this year \$752,000 is allocated in these estimates for the further development of Walden Industrial Park.

In addition to that we have commissioned a study, again working with the people of the regional municipality of Sudbury, to look at import substitution. The local people felt there were many products and items being used in the Sudbury basin and that whole general area, that could be grown or manufactured right in their area. That study is moving ahead right now. We think there is good potential, because of the large population in the Sudbury area, to diversify the economic base. I must say that I am confident, with local involvement and local initiative, we will achieve some goals there.

In connection with the controls of the export of raw ores, we have, under section 13

of the Mining Act, if I recall correctly, certain restrictions as to what one can export, where one can export—

**Mr. Haggerty:** Exemptions, too.

**Hon. Mr. Bernier:** Yes, certain exemptions are allowed after very careful examination, of course, of that application. Also, of course, the member is very much aware of the 30 per cent incentive under the Mining Tax Act that saw the development of Texasgulf at Timmins. He will recall very vividly the former member for Cochrane South standing up and going counter to his own colleagues on that particular issue. He wanted it; he knew what it meant to have that massive development by Texasgulf.

**Mr. Foulds:** That's one seat we're going to win back next time, too. Your member isn't going to hold it.

**Hon. Mr. Bernier:** We have fun kidding him about that. Every time I see him I remind him of it. It depends where you're sitting, but he felt very uncomfortable during those discussions. Nevertheless, Texasgulf is going there and putting in further diversification of the development to refine its ores in the Timmins area. The steel-rolling mill in Sudbury is also moving ahead; Inco is developing one there.

To go back to my earlier comments, the free enterprise system is at work. If there is a dollar to be made, if there is profit to be made as it compares to other world manufacturers, I am sure we will get them there, through tax incentives and other incentives. Now that my colleague the Ministry of Industry and Tourism has come forward with the Employment Development Fund, I think we will see further activity in northern Ontario to broaden and diversify our economic base there.

**Mr. Haggerty:** Mr. Chairman, I appreciate the minister's comments. But the question I was directing to him was about the nickel policy. One of the recommendations by the minister's task force was that there should be a platinum refinery in Canada or in Ontario, and that relates to precious metals. Has the minister had any discussion with Inco or Falconbridge to tell them that they must manufacture more of their finished products here in Canada?

In Huntington, Virginia, Inco has a large research centre. Inco also has a battery company in the United States. We did not derive much benefit from the capital that left Canada to help purchase that battery company. We did not gain any jobs out of that; they all occurred in the United States.



All I am trying to convey to the minister is that it is time he sat down with Inco, or with any of the nickel companies in Ontario, and started to lay down some policy to them; to tell them that they must create additional jobs here in Ontario. I am sure we are going to find out, after the strike is settled, that Inco is not going to employ the 12,000 workers it had prior to the strike.

**Mr. Bolan:** It is going to go down to 9,000.

**Mr. Haggerty:** Yes. They will end up with about 9,000. A similar situation has occurred at Port Colborne, where they have had labour disputes over the years; employment has dropped considerably. I suggest to the minister that we are going to have problems in the Sudbury area. One can see it coming; if one follows all the testimony before the select committee, one can see that what the company wanted originally was a reduction in manpower there.

I can pretty well guess that what is going to happen after the labour dispute in Sudbury is settled is that there will not be 12,000 employees there, but 9,000. I think the company has got what it wanted from this strike. I hope it does not happen, but it is almost a sure thing, if I correctly interpret the testimony before the committee. I suggest to the minister that it is time somebody gave some direction to Inco. They cannot call all the shots here. Government is going to have to take some action in this particular area.

The minister's report is called A Nickel Policy for Ontario, and I would like to see something definite come out of that. The people in that area are looking for some direction from the government. I suppose that was their hope, that the government was working in this area.

**Hon. Mr. Bernier:** Mr. Chairman, A Nickel Policy for Ontario is a Ministry of Natural Resources document. I am not aware where it stands at this time as to being totally accepted by the government. The member might direct that question to the Minister of Natural Resources (Mr. Auld).

[9:30]

**Mr. Haggerty:** You're the policy man there.

**Hon. Mr. Bernier:** No, I'm not a policy man, No, it's a co-ordinating ministry; I'm not setting policy. I want to make that very, very clear. We don't set government policy. We do it as a government.

**Mr. Haggerty:** Are you a consultant, Leo?

**Hon. Mr. Bernier:** Very much so. I had discussions with the Inco people and the Falconbridge people when I had responsi-

bility for the Ministry of Natural Resources. I had discussions with them on a very regular basis, doing just what you're suggesting, trying to lean on them as strongly as we could to have them refine—of course, they are refining—and maybe even fabricate more ores in Ontario.

But I have to say to you—and I've said it before—that the world is getting smaller and smaller and smaller. As the Third World becomes more developed, as more of the technology and the expertise has become known to them, competition increases. I personally have certain reservations as to what will happen when the 700 million people in China start looking around their backyard when it comes to the development of their country. And it's going to happen. There's just no question.

We've seen what's happened in Guatemala. We've seen what's happened in Australia, in South America—all these places where they have large, rich mineral deposits are now being developed. We're producing the same amount of nickel as we were several years ago. At that time we had 95 per cent of the world production.

**Mr. Wildman:** Except that Inco is developing those ore deposits.

**Hon. Mr. Bernier:** But what's happened is now the world is using more nickel and they're getting that nickel from some other place.

**Mr. Foulds:** Developed at our expense.

**Mr. Wildman:** With our taxpayers' money.

**Hon. Mr. Bernier:** That's the worldwide situation. We can't bury our heads in the sand and say, "We're rich in resources; you've got to come to us for those resources." They don't have to come to us any more. There are resources all around the world.

**Mr. Foulds:** That's because of 35 years of your government.

**Hon. Mr. Bernier:** Japan has proved that. They don't have to come to Canada to get their nickel supply.

**Mr. Foulds:** They go to Inco in other places.

**Hon. Mr. Bernier:** I think we have to broaden our outlook. I think we have to become specialists in certain fields. I have a certain amount of feeling for the member for Sudbury East when he says we should be specialists, say, in mining equipment development. I have to agree with that. I don't argue with that. I think that's the kind of thing we should become specialists in.

We've seen what's happened in Japan. They're specialists in the electronics field,



which we can't even touch. Other nations are specialists in their field. As Canadians that's the route we should be going, and we're going to have to go that route.

**Mr. Roy:** Can I get in on this vote?

**Mr. Deputy Chairman:** This is in connection with vote 702, item 2.

**Mr. McClellan:** Ask him about the Ottawa courthouse.

**Mr. Roy:** Yes, Mr. Chairman. Just in case some of my colleagues think I don't know what I'm talking about, I want to tell you that first of all—

**Mr. McClellan:** I've never heard you talk about anything else.

**Mr. Roy:** —when you're talking about the north, I come from some place in Saskatchewan that's as far north as the communities you represent. I had the fortunate experience—the minister will be interested in this—as a law student to be working up in Dryden. Right in your own riding. I think I've talked to you about that. I worked my summers up there.

**Mr. Foulds:** Dryden has never recovered from it.

**Mr. Roy:** I stand here not to be overly political towards this minister. And I won't make any accusations that you were named minister strictly for political reasons—I won't say that. I have said it on other occasions, but I won't say it here this evening.

**Hon. Mr. Bernier:** What did you say? I didn't hear that.

**Mr. Roy:** What I do want to discuss with the minister is an area of the north which he represents, and that's the town of Dryden, and the unfortunate situation—the existing situation, I suppose—with Reed Limited.

I want to tell you while I worked in Dryden I worked in the pulp and paper plant and then I worked in the back in the chemical plant for a summer and a half. At that time—this was back in 1964-65—I used to look around with a certain amount of concern. Pollution and the environment was not the issue it is today, but as we used to walk out of the plant I was aware of the smell when the wind was the wrong direction over the town of Dryden. But more important, we used to look at that pipe that was gushing out the waste into the Wabigoon River, at the suds and the colour of the water; and then you would look at the Wabigoon River and follow along and see it was dead all the way through.

Unfortunately, I suppose the blame cannot be attributed to any particular level of government because this has been going on

now for a number of years. People had not realized the effects of it, but nevertheless it seems to me that certainly the people involved with Reed paper company had some knowledge of the damage they were causing.

What I want to know from the minister is, having seen the waste, having seen the pollution, and having seen over the past years the approach taken by Reed—and we've seen it again recently when they were talking about the fact that if you enforced pollution controls, if you force them into a situation where they have to meet deadlines to cleanup their act sort of thing, there is that threat of closing down, of shutting down the town of Dryden. There is always that implied threat: "If the criteria are too stringent we can't operate; and if we can't operate of course you're leaving Dryden open, because there is very little industry that could take up the slack from Dryden."

I want to ask the minister this, having in mind this implied threat, and having in mind that just recently the government turned down a request for funds—I don't know what the funds were for—

**Mr. Bolan:** Funny money.

**Mr. Roy:** Yes, we can call it funny money. Possibly we could supply it with my leader's application form, which I thought was right on for this type of project.

Having in mind that this has been turned down, what is the situation in Dryden? I would think this would be an area that not only as the minister of the north but as a member for that area, he could tell us whether the people of Dryden are still living in fear of this plant announcing somewhere down the line that they're shutting down operations. That's the first thing I want to know.

Second, I want to know what steps did you take as minister of the north, and as member for that area, to attempt to diversify the economy of an area like Dryden? What alternatives have been proposed? Do you have any plans in mind about bringing other businesses or other plants or something else to replace it?

**Hon. Mr. Snow:** A new courthouse.

**Mr. Roy:** A new courthouse? Well this minister being from the south doesn't realize that it's not a county town, Dryden is missing that. The new courthouse is Ottawa, Jim; that's where we need it.

So could the minister tell us if there are any plans to cushion the blow should that happen? What steps have been taken so that the people of Dryden—and I have to say,



Mr. Chairman, that they're fine people, they're industrious.

**Hon. Mr. Snow:** How would you know?

**Mr. Roy:** How would I know? I lived there for two summers, that's how I know. I got to meet people there.

**Hon. Mr. Snow:** Did you speak frankly?

**Mr. Roy:** I wasn't afraid of going up there, Jim.

**Hon. Mr. Snow:** They don't call me Jacques Neige.

**Mr. Roy:** They don't call you Jacques Neige? No, they wouldn't recognize you up there. They wouldn't recognize you. They wouldn't know that you were a big-shot in Toronto. In Dryden they're all the same, everybody is treated the same way.

I want to ask the minister what he can tell us? Certainly that's part of this vote. What can you tell us about the situation in a town like Dryden? What steps did you take, first of all to assure that the implied threat by Reed paper does not unduly jeopardize the existence of that town? Second, what steps have been taken so that diversification can take place?

I understand that they're far from the markets. I understand the problem is that you just can't be moving a General Motors plant up there. It's not that easy. But nevertheless Dryden is a thriving community. It's a good area to be living in. What steps are being taken to encourage industry to locate in that area?

**Hon. Mr. Bernier:** I am particularly pleased the member for Ottawa East has taken such an interest in northern Ontario and in Dryden. I welcome his input and his concern. It is a real concern to me both as the Minister of Northern Affairs and the local member responsible for that area, one who has been around for many years, long enough to see the great pipe to which you refer.

I can recall when Dryden had about 2,000 people. We used to play hockey against the town of Dryden; I came from the little town of Hudson. In fact, right after the Second World War the hockey team from Hudson on occasion used to beat the hockey team from Dryden, Dryden was that small.

**Mr. Roy:** They used to call them the Flying Frenchmen in those days.

**Hon. Mr. Bernier:** When you think of it, that mill has existed since 1913; it has been in existence some 60-odd years, and I don't think there is another pulp mill in Ontario that has had its ups and downs and financial problems. Every type of problem that can

beset an industry has certainly come to that mill at Dryden.

You mentioned the Employment Development Fund being denied the Reed paper company. As the Minister of Industry and Tourism pointed out, the application they submitted did not meet the criteria and the criteria were clearly spelled out in his answer to the Legislature.

Your leader just returned from a visit to the great town of Dryden.

**Mr. Foulds:** Did he really?

**Hon. Mr. Bernier:** Yes.

**Mr. Foulds:** Did he get lost?

Interjections.

**Hon. Mr. Bernier:** I don't think the honourable member has to worry about his political future if Stuart Smith goes to his riding, I can assure him of that.

**Mr. Foulds:** No, I didn't even hear of the visit.

**Hon. Mr. Bernier:** I don't think he made any political impact in my riding. It was a learning exercise.

**Mr. Roy:** Don't be too sure. I can remember when we had a Liberal member in your riding.

**Hon. Mr. Bernier:** You can? Can you remember that far back?

**Mr. Roy:** That's right. When I was in Dryden we had a Liberal member.

**Mr. Foulds:** They almost lost the federal member up there.

**Hon. Mr. Bernier:** There have been some good Liberal members, personal friends of mine, both of them.

I don't think he made a great impact. In fact his suggestion was that the government should put in the pollution control equipment at the Reed paper company.

Can you imagine what that would do? Every pulp mill in the country would be lined up at Frank Miller's door and at Harry Parrott's door, instead of going the route the government is going, saying, "Look, meet the criteria we have laid out to you. We will give you incentives. Use your dollars for modernization; use your dollars up to a one-to-three basis for the development of pollution control measures which are required."

Nobody has yet to my knowledge really recognized what that company has put into pollution control programs. I think it is close to \$20 million in the last few years. You don't get the fallout in Dryden that you used to get on your car. I don't know if you remember that. You would park your car and it was all covered with snowflakes. Well, that has gone.



The smell to which you refer has been cut in half. They have worked on it. The pipe has gone from the Wabigoon River; you don't see that any more. There is no foam on the river as there used to be. They are working on the primary settlement basin behind the plant. There is work going on but you don't hear anything about that; that doesn't make news; that doesn't make a headline.

If there is one town that is down and which everyone wants to shove down further it is the town of Dryden. I think the time has come to put a stop to it. I say that in all sincerity. I don't think the people in the town of Dryden want to hear any more about their mill. They are the most loyal employees you will find anywhere in the province.

As you correctly pointed out, they are industrious and friendly. They will always be that way. One community in my riding I love going to is the town of Dryden. They are a young group, they are vibrant. They love their community and they love their mill. Don't ever forget that. The resources committee is going out next week and they will get that loud and clear—that the feeling the employees have for their mill is something outstanding.

They want to do everything they can. They are aware of the pollution problems. Like everyone else they are aware there is a problem there. Like anybody else, they would like to get it cleaned up. They also realize there are certain financial problems, there are certain economic limits that must be maintained and lived up to which that company is trying to do. I am not here defending the Reed paper company, I want to make that very clear, but I will stand and defend the town of Dryden until the end.

[9:45]

You ask what we are doing to look to the future. We don't think there is a crisis at stake with regard to the town of Dryden, because that mill will always operate. I am firmly convinced of that.

**Mr. Roy:** That's not what Reed says.

**Hon. Mr. Bernier:** It's going to operate, because if the Reed paper company doesn't operate it somebody else will. The resources are there; all the ingredients are there to maintain that plant. They are located right in the middle of the resources—timber limits are on the north, south, east and west. It's ideally situated. The transportation routes are ideal. They have energy; the gas line goes right through the town of Dryden. They have electrical power from their own dam and from Ontario Hydro. Most important of all, they have a solid, sound labour force; a loyal

labour force. They've got all the ingredients and the markets are there. You don't have to be a mathematician or a genius to figure out that mill will operate.

I would hope the resources committee would come back and be realistic when they look at the problems facing that particular plant, given it is two or three years in a 66-year period. Is that going to stop the world? Is that going to stop the world if we allow them a little more time?

**Mr. Foulds:** Have you talked to your colleague, the Minister of the Environment, about that?

**Hon. Mr. Bernier:** Yes, I have. He knows my feelings—and we may differ. I say that right here, we may differ. He has a job to do and I respect his responsibilities. I always will and I would not want to interfere or force him to change. But I do think in this instance we have to be very realistic and positive about it and take what you refer to as the cloud away from the town of Dryden. Let's get on with the job.

The town of Dryden has a great future. If you know the geography of northwestern Ontario, you know Dryden is situated geographically in the heart of northwestern Ontario. It is fast becoming the hub of northwestern Ontario in the field of transportation.

The jet port is being developed. Nordair goes in there, as the Minister of Transportation and Communications points out, on a regular basis. In fact, you can leave Toronto tomorrow morning, be in Dryden all day, take a Nordair plane tomorrow evening and be back the same day. That's excellent service and it's because of that excellent jet port.

That airport has been developed through the initiative of the local people. They saw the opportunity, they seized the opportunity and they ran with it. They've done one tremendous job in developing that jet port. Thousands of people go through the Dryden airport on an annual basis. It was stunning to the Air Canada officials when they looked at the number of passengers coming to and going out of Dryden. They couldn't believe the numbers.

**Mr. Roy:** What's the flight, Toronto-Dryden-Winnipeg?

**Hon. Mr. Bernier:** There is one flight which is routed Toronto-Dryden-Thunder Bay-Sault Ste. Marie-Toronto. It goes right through. I think there's another one that goes Toronto-Thunder Bay-Dryden-Winnipeg.

**Mr. Roy:** That's Nordair.



**Hon. Mr. Bernier:** Yes, it's Nordair. It's excellent service and they are using 737s on a daily basis.

There are things we've done in the area other than the development of the jet port. Natural Resources has spent a considerable amount of money in developing a land base for their Tracker aircraft to fight forest fires in the area.

We built a new provincial building in Dryden. Those members who will go up next week will see that magnificent new provincial government edifice that houses a number of ministries and services the entire area.

We're also going to complete and open up this year the new road that will link Fort Frances with Dryden. That again, will put another spoke into the wheel of transportation into the town of Dryden.

Dryden, of all communities in northwestern Ontario, has an extremely bright future. In fact, last year alone their building permits topped \$9 million which was the highest for any community in northwestern Ontario. It's been like that for the last two or three years. The faith of the entire area is in the town of Dryden. I think it's up to us in the Legislature to go along with that faith and support the local people as much as we can.

So I have no qualms or fears about the future of Dryden. The plant will operate and the resources are there. Let's get on with the job of developing and keeping those jobs in place.

**Mr. Roy:** I am pleased to hear of the bright prospects for the town of Dryden. Having listened to the minister, however, if what he says is a fact about the mill in Dryden, that it will continue to operate, the resources are there, the markets are there and the work force is there, then in such circumstances how is it that this company can sort of threaten the government and say, "If you try to force us too quickly with your pollution controls, we will shut down?" How can that have any impact? Doesn't the approach taken by my leader who says, "Either we lend you the money or we put in those things and you pay for it on the long term" make sense?

If the economic future is there and if the mill is going to continue to operate viably and economically, why can't the pollution be stopped? I appreciate that progress has been made, but you know as well as I do they have a long way to go. The disaster that has been caused in that area is probably the worst in the whole of Canada, unfortunately. I don't say that about it gloatingly, or take any special satisfaction in saying it, but it is a fact.

Considering the pollution still going on there, how can Reed be threatening the community by saying, "If the government is too tough with us we will close down"? According to what you are saying that is a bluff. Why doesn't the government—and I understand the position of the Minister of the Environment—come down a bit harder and have them meet pollution controls?

As you say, everything is there for them to continue. In the long term, the markets are there and they are going to be able to pay for it. What they are doing is trying to bluff their way out of something. I find that sad considering as you say, the future prospects of a town like Dryden.

**Hon. Mr. Bernier:** I want to make it very clear the present company that operates the Dryden mill has never, to my knowledge, threatened the government or the town of Dryden with closure.

**Mr. Roy:** What the hell did they do in committee one year ago?

**Mr. Hennessy:** Watch your language. That's bad language.

**Hon. Mr. Bernier:** No, they did not say that.

**Mr. Wildman:** They said that they wanted to sell it.

**Hon. Mr. Bernier:** They never said they would close. They have made that statement a dozen times.

**Mr. Roy:** It was a very subtle threat.

**Hon. Mr. Bernier:** They have clearly stated they have no intention of doing that. They have never threatened the government or the town with closure. What they want is a reasonable length of time to put the pollution control equipment in place. The Minister of the Environment has said 1982. Well, 1979 has gone now, so 1982 has gone by the board.

They are saying, "Give us until 1985. We think that is a more realistic time by which we can do it and we may be able to do it with our own resources. We don't need government resources."

To me, it is so simple. I don't know what the argument is about, except—

**Mr. Roy:** I do know. The longer they pollute, the worse it is.

**Hon. Mr. Bernier:** I know, but they have been there 66 years. The trouble is that it has now got into a political battle. With all due respect, I think we have to accept that once it gets into the hands of the politicians. Sometimes we all play politics, and pollution is a good issue. Inco is a good issue as it relates to pollution; Reed is a good



issue as it relates to pollution. You may make some marks.

**Mr. Bolan:** It was the politicians who created the problem in the first place by not doing anything about it when they could have.

**Hon. Mr. Bernier:** It is easy to say that. With hindsight it is easy to point.

**Mr. Bolan:** The facts speak for themselves on that.

**Hon. Mr. Bernier:** I remember when I first got into politics, we had a town debate in the town of Dryden. I will tell you if you spoke against that mill you were in trouble in that community.

It has to be eased in and it has been eased in. That is the point I was trying to make. A lot of progress has been made. Even in the town of Dryden, with the new sewage treatment plant and the water treatment plant, they have been working on it. I think it is time to get off their backs. It is time to get off that community's back—

**Mr. Roy:** We are not on the town's back; we are on the mill's back.

**Hon. Mr. Bernier**—and give them a fair length of time to do the job. That mill has been unique in Ontario in its ups and downs, to which I referred, in a number of different areas. It is so far from the markets and there are a number of problems related to it. Given a reasonable length of time, without government or taxpayers' resources, I think they can do it themselves.

**Mr. Deputy Chairman:** This is item 2, vote 702. It seems to me we can probably discuss the same thing on vote 703, item 1, regardless of what it is.

**Mr. Wildman:** It seems to me that the minister made a number of comments just now more in his capacity as the member for the area than as a minister of the crown and Minister of Northern Affairs. What we have seen in this whole debate on Dryden, when the Minister of the Environment referred the question to the resources development committee and then appeared before the committee, as did Reed, is that the Minister of the Environment made clear that his 1982 date was predicated upon the fact that the Treasurer was making funds available. Since there were funds available, in terms of what resources the company had itself and the length of time the government was giving them, he felt he didn't have to consider what Reed had to say. Reed was saying it could do it itself by 1985 perhaps. But the Minister of the Environment said, "That doesn't matter. We want it done by

1982 and we don't have to take into account your arguments because there is money available from the Treasurer's program."

Then Reed goes back and says, "All right, if that is the position of the government, we will make a proposal." They make a proposal and the Minister of Industry and Tourism denies it.

What we have is two positions from the cabinet on that. We have the Minister of the Environment saying he doesn't have to worry about the financial problems because there is money available and that he himself isn't concerned with the criteria. Then we have the Minister of Industry and Tourism coming along and saying, "No, you can't have the money because what you are proposing doesn't fit into the criteria." Now we have a third position from the member for the area, who gets up and says, "We should look at 1985 because the company says it can do it, perhaps with its own resources, by 1985. What are a few more years?"

It seems to me we have three positions from the cabinet, much less three positions in the committee, to deal with. When we get that straightened out maybe, we will get the whole matter straightened out for Dryden. Frankly, I am not sure this has anything to do with the estimates. I would like to see this vote pass.

**Mr. Deputy Chairman:** Let the minister reply and do his best to keep it to the point.

**Hon. Mr. Bernier:** In defence of the Minister of the Environment, who I am sure can defend himself very ably, the company just didn't qualify. That is important because the Minister of Industry and Tourism is handling taxpayers' dollars. If the ministry has established certain criteria to which companies must conform to qualify and if this company hasn't qualified, then it is obvious there is nothing he can do but to deny that request. There is nothing that says the company can't come back with another proposal. The Minister of the Environment is correct in saying, "There is a program in place. Qualify for it." The Minister of Industry and Tourism says, "Look at your original application. This application, as presented to us, does not qualify. If you want to re-apply, that's fine."

There is no split in the thrust. There is no difference. I think we are all headed in the same direction.

Item 2 agreed to.

Vote 702 agreed to.



On vote 703, northern communities assistance program; item 1, community priorities:

**Mr. Bolan:** Speeding along, Mr. Chairman, as we have been for the past few days debating these estimates, I want to mention two areas. One of them is municipal infrastructure, the Sturgeon Falls water supply. Could the minister bring us up to date on that please?

He may recall that a water study was done of that area. He may also recall that we had some correspondence with him over the fact that they ran out of water this winter. He may recall when the pipes froze underneath the bridge they were out of water for some time. I must say the ministry office in North Bay was instrumental in providing immediate assistance from the armed forces, who were able to bring in the necessary pumps and what have you to try to remedy the situation. I would like to know what the minister proposes to do as far as assisting the community in these repairs.

[10:00]

While we are dealing with this vote, I notice "resource development," "conservation authority," under the heading of "list of major projects." The minister might want to look into or consult with the Ministry of Natural Resources about setting up a conservation authority for the Sturgeon River. Did the minister know there is none? If there had been monitoring of the entire system, including the three dams that are operated by Ontario Hydro along that system, some of the damage might have been alleviated—I am not saying it would have—but it is definitely an area that should have that kind of authority.

**Hon. Mr. Bernier:** Mr. Chairman, the question of the improvement of the Sturgeon Falls water distribution system is something that is on our table at the present time. I have to say to the honourable member that the former Solicitor General of Canada's mother, Mrs. Blais, who is an excellent councillor in Sturgeon Falls, was most adamant on the basis of information from her son that the Department of Regional Economic Expansion was going to come in and help Sturgeon Falls. She had it right from Ottawa, right from the chief himself.

We did some investigating and kept hearing that DREE was not interested in Sturgeon Falls. But Mrs. Blais kept coming around, saying, "My son said DREE was interested and would help. Jean-Jacques Blais said so." We kept going around in circles for about six months to a year; then, finally,

the information from our staff was proved to be correct in that DREE was not interested in doing anything for Sturgeon Falls.

**Mr. Bolan:** But you spent some money to make a study of the requirements.

**Hon. Mr. Bernier:** Yes, we spent some money; we have \$150,000 in this year's budget for Sturgeon Falls which I think will complete the engineering study. We are also working very closely with the Ministry of the Environment with regard to the management by results rating. Apparently their MBR rating is exceptionally low, and the Ministry of the Environment has gone back to look at their needs.

Quite frankly, in discussions with the mayor there, who is a very able fellow, he has pointed out to me his problems on a number of occasions. I am very sympathetic; he has a serious problem. If I had my druthers, of course, we would get on with it very quickly. I have indicated to him that I will be back to him within the near future as to an answer to his request in the hope that we can get something started this year.

**Mr. Bolan:** What about the conservation authority?

**Hon. Mr. Bernier:** I am glad the member mentioned that. As recently as this morning we had a meeting with the Field forest industries to discuss their future in the community of Field. The proposal that Mr. Jack Hope presented to the cabinet committee was very positive, very fair and realistic, and it will be dealt with at cabinet tomorrow.

I can give the member some assurance, from my own point of view, that that industry will remain. There will be some assistance for them. To what extent, I cannot say at this time. But the Ministry of Natural Resources has reassured them as to their timber supply. They are not interested in relocating the plant, because they think they can sustain flooding up to a certain height—it will not interfere with their operations—on a periodic basis. To suffer through that would be cheaper in the long run than relocating the mill entirely.

We strongly feel as a committee—and there were four or five ministers there—that if we are going to spend public funds in relocating the community, we have to have jobs for those people. Just like night follows day, they are needed; so there will be some positive results come out of that meeting.

One discussion that took place was about the idea of more co-ordination with regard to the watershed area. They pointed out to us that Ontario Hydro was involved, the Ministry of Natural Resources was involved,



the federal government was involved in Lake Nipissing, and there was no real co-ordinating authority, and that a conservation authority might well be the vehicle for all those things. The Minister of Natural Resources has clearly indicated to them that was one area he was going to look into, because apparently a number of dams had been let deteriorate over the years and the problem may be attributed to that. That issue is right at hand.

**Mr. Wildman:** In relation to that, I would point out as well that the same situation exists in the Mississagi watershed and in the Goulais River as well, where there was flooding. There have been proposals made for flood control on the Goulais and co-ordination between Hydro and the Ministry of Natural Resources in the Mississagi watershed. Perhaps that's something the minister should be looking at as well.

I would like to ask a question in relation to the list of major projects you have here in the briefing book, where it gives us specifics on most of them and with Temagami it just says "infrastructure." Could you explain what that means?

**Hon. Mr. Bernier:** In these estimates there's a figure of \$280,000 to build up the water supply system. This is in co-operation with the Ministry of the Environment and it follows a report given to us by James F. MacLaren. The spring of 1979 is the period in which the plans will be finalized. The money will be used to improve the water supply problem in Temagami.

If you'll recall that system was operated by the ONR for a number of years. We've long felt that was something that really was out of the realm of responsibility of the ONR, so we've encouraged the municipality to take over the water supply system on the condition that we would upgrade it considerably. This is what it's for.

**Mr. Wildman:** Also, I would like to know, in the list of major socio-medical projects, how much you're spending on each of those in Dryden, Red Lake and the North Shore. What does it mean in terms of "various locations"? I know what that means, but "manpower needs reviews." What are those manpower needs reviews and how much is being spent on those three other areas—Dryden, Red Lake and North Shore, the projects that are listed there?

**Hon. Mr. Bernier:** For the development of a home for the aged for the town of Dryden, in co-operation with the Ministry of Community and Social Services, there is \$120,000 in these estimates.

We have a proposal from the town of Red Lake for the development of a medical centre that will house the doctors in that area. We're working on a two thirds, one third grant. We haven't got the exact figures but they're looking at something around \$200,000 in total. They will raise their third locally and we will assist them for the development of this medical centre to which they could attract doctors. Many of these areas have extreme difficulty in attracting doctors.

It is similar to what we were doing in Ignace. We did it in the riding of Rainy River; we assisted in the development of a medical centre there. Rainy River has come forward with a similar request.

We've assisted in the development of similar facilities in Nakina and in Geraldton to attract and to encourage dentists and doctors to stay in those areas.

**Manpower reviews:** Yes, we have a figure of \$30,000 in this year's estimates to determine the manpower needs and new programs being implemented in northern Ontario by the children's services division. I think that announcement went out today in co-operation with the Ministry of Community and Social Services. That's an indication of how we work with the other ministries providing the funds and doing the necessary things that should be done.

Item 1 agreed to.

On item 2, isolated communities:

**Mr. Wildman:** Could the minister explain the lower estimate in the 1979-80 estimates? It's now down to \$500,000 from the \$630,000 in 1978-79. Can he explain the reason for that?

**Hon. Mr. Bernier:** We had \$630,000 there last year. Quite frankly, there was a lack of applications. In fact, much of the funds were used for the purchase of fire trucks so we didn't receive as many applications as we anticipated. We think the \$500,000 figure is sufficient for this year. Many of the requirements and requests have been responded to. Something like 42 municipalities now have received some form of fire protection and assistance so the bigger ones are being looked after—at least until we get to the sewer and water requirements. But the number of applications received was going down and we strongly felt that \$500,000 would do us for this year. If we're short, we can move to the regional priority budget and supplement the Isolated Communities Assistance Fund, if it's necessary.

**Mr. Wildman:** If the minister is looking for applications, the community of Searchmont would like to get some further assistance. I



mentioned that before. They need a bigger truck. The one they have now can't make the hills in the winter time if they carry a full load of water.

**Mr. Roy:** That could be a problem if the truck can't go up hills.

**Mr. Wildman:** If they don't carry a full load they don't have a large enough capacity when they go to a fire. They just get it under control when they run out of water and they have to go back and get more water. When they come back, of course, the building is burned to the ground. It is a bit of a problem.

**Mr. Roy:** Did you promise to give them a bigger truck, Leo?

**Mr. Wildman:** Good.

I'd like to know about two matters in relation to inspections. One, who is responsible for fire inspections in the unorganized communities? Two, who is responsible for enforcing the building code?

As we all know, the government came out with a revised building code a couple of years ago. They had seminars for municipal building inspectors—they had a big fanfare with a lot of changes and very complex things. Yet, I don't know who, if anyone, enforces this or gives advice to people with regard to the building code when they're building their houses in unorganized areas.

As a matter of fact, we're carrying out extensive programs, as the minister has alluded to and other members have alluded to earlier, under the OHRP program in unorganized communities. The ministry is carrying out the administrative functions of that through the ministry's Northern Affairs officers, but I don't think anyone is enforcing the building code.

On fire inspections, recently I had a complaint in my area from the Goulais River area about Mountainview School. A number of the parents were very concerned about the fact that an old annex—the old one-room school—was being used as a sort of extra classroom, rather than a portable. They were very concerned that it perhaps didn't come up to the fire marshal's standards. As a result they asked me if I could get an inspection done.

[10:15]

They had approached the nearest municipality, Sault Ste. Marie, and asked the fire chief for an inspection and he said they could do it, he supposed, but it really wasn't under their jurisdiction. I contacted the fire marshal and they did finally make arrangements to have the Sault Ste. Marie fire department go out and inspect them.

Is that a normal situation? Is it really on an ad hoc basis? Or, if there isn't any inspection now, is the ministry ready to make any kind of recommendation to the fire marshal's office and to the Ministry of Housing in terms of these two codes and for the enforcement in unorganized areas?

**Hon. Mr. Bernier:** Mr. Chairman, the co-operation we have from the fire marshal's office and the Solicitor General is second to none as it relates to the fire protection program in unorganized communities. In fact, we do have the resources to provide the necessary equipment, but we don't move in until the fire marshal's office has gone into that community, looked at it and made certain recommendations following its personal and direct review.

Even after that review is completed and the equipment is delivered, there are extensive training programs to train the people who will be using that equipment to the best of their ability. So, they not only monitor the community before to give it advice as to what equipment should go in there, but they come in after and train the individuals who will be protecting their community with the equipment we have placed there. We just couldn't do without their co-operation, no question about it. We couldn't put equipment in those communities without that type of training.

We would express our appreciation to the fire marshal's office for its continued co-operation and I would like to point out, while the fire marshal does train those firemen to operate the equipment, we have not moved into the home inspection program as yet. In unorganized areas there is no authority, except on a voluntary basis, of course, for people to have their homes inspected. In that case, the volunteer fire brigade—they are all on a volunteer basis—would go.

With regard to public buildings, the fire marshal's office can be requested to come in; schools, libraries, arenas, this type of thing, they will do that on request. But we have not gone into that home inspection program as yet.

The building code is another matter. The Ministry of Housing is grappling with this issue. It is a difficult one because of the vastness of northern Ontario. They have been in touch with us to get some idea of how they would administer. I think Natural Resources has been helping them also to find a solution without bringing in a large number of civil servants to walk around as policemen. It is yet to be resolved as to how that will be applied.



Because of the feelings of UCANO West and UCANO East, the local services board is getting into this type of regulatory control, planning and so on. I don't think we have the expertise to do it, so we have shied away from that. That is why we have gone strictly to the providing of services on the local services board. We are not going to see them administer the building code in those areas. That is something the Ministry of Housing has to come to grips with and there is no question in my mind that if there were proper building codes applied many of our problems related to fire and development would not exist; in other words, there would be the prevention measures that we all want to see. I am sure, as we go down the road, the Ministry of Housing will have answers.

Item 2 agreed to.

On item 3, telecommunications facilities:

**Mr. Wildman:** I have the same question in relation to item 3. Could the minister explain the reason for what appears to be a steady drop in the funding under this program where we have a substantial drop from 1978-79 estimates to those of 1979-80?

**Hon. Mr. Bernier:** The northern communities assistance program; this relates directly to the telecommunications facilities in the far north. Those facilities are now in place. They are completed. The \$345,000 is the cost which I believe you will now see on an ongoing basis for the maintenance and the operation of those services in the remote areas of northern Ontario.

Item 3 agreed to.

Vote 703 agreed to.

On vote 704, regional priorities and development program; item 1, regional priorities:

**Mr. Bolan:** Mr. Minister, with respect to road construction, there is one road in the northwest part of my riding about which you and I have been corresponding. It's the road which runs from Field to River Valley. I see the minister has a map there. It would be identified on the map as highway 539. This is a road which is in very poor condition. I realize you can only do so much with the budget which you have, however, since it is your function to co-ordinate the priorities of road construction, I really would urge you to consider this in your priorities for the following year.

My reason for concern is the road is heavily used by truck operators who are in the logging business. Of course, at the worst time of year, which is the spring, the loads are cut down to sometimes one quarter. They run

into some great difficulties as far as making a profitable haul when one is dealing with a quarter or half load. I am sure it's a problem you have heard of in many communities in northern Ontario, but it is a very significant and very real problem to these people, primarily because of the big cutbacks which they have to make on the loads.

It's not a very long road; maybe it's 10 miles long. Basically it's a question of rounding out some curves, shaving down some crests, and, of course, general widening and ditching.

The other road is one which goes north of there. It's identified as highway 805. It goes from River Valley in a northerly direction towards Grassy Lake and other points up that way.

I have had several contacts with loggers who are very much concerned about the condition of this road, particularly in the winter time when they are approaching crossings. They have to cross four level crossings where they encounter considerable difficulties. In fact, there have been a couple of incidents where they nearly ran into a train on coming down hill; the crossing is there.

I've had some co-operation with the Ministry of Transportation and Communications in my region, however, I think it's something which should be brought to your attention since it is your function to co-ordinate the priorities of road construction in the area. I have to say I realize there is only so much money to go around, but nevertheless, when you do consider your priorities again, I am drawing these two specific pieces of road in my riding to your attention.

**Hon. Mr. Bernier:** I think it's very appropriate the honourable member should bring it up at this time because there will be great joy. I am sure, in River Valley this Saturday as the honourable member will be there with my parliamentary assistant to deliver a fire truck.

**Mr. Bolan:** At four o'clock in the afternoon.

**Hon. Mr. Bernier:** At four o'clock in the afternoon, instead of one. I'm sorry.

**Mr. Roy:** Have you got a parliamentary secretary?

**Hon. Mr. Bernier:** He is a parliamentary assistant.

**Mr. Roy:** Are you kidding?

**Hon. Mr. Bernier:** The north is so big, I tell you, I spend 50 per cent of my time there, as he does.

**Mr. Chairman:** I think that comes under the first vote.



**Mr. Roy:** Is that John Lane?

**Hon. Mr. Bernier:** Yes. He works up and down, bringing the good things to northern Ontario, because I'm so busy I can't do it all myself, quite frankly. There's so much happening up there.

River Valley will be the recipient of a fire truck on Saturday and I'm going to ask my parliamentary assistant to give me a report on road 539; we will certainly have a look at your suggestions when we move into setting our priorities for next year.

**Mr. Wildman:** I wonder if the minister could give us some kind of update as to what is happening with the study on the Killarney road and when he expects that might be completed, so that people who live in Killarney, the young people, won't have to travel all the way to Sudbury to go to school so that they would have a much shorter route, so that they could attend school in Espanola. Could the minister give some indication when that study is going to be completed and when we might have some kind of government decision on that?

**Hon. Mr. Bernier:** I don't have that information at my fingertips, but I will get it for the honourable member as soon as I can and forward it to you. It is one that we are anxiously awaiting, because the local member, the member for Algoma, has as you know—

**Mr. Wildman:** Algoma-Manitoulin.

**Hon. Mr. Bernier:** —Algoma-Manitoulin—has been most instrumental in pressing for such a development. In fact we have looked at the possibility of airstrip development at Killarney. All this hinges on that particular report that the consultants, with the co-operation of MNR, are doing. I will try to get the information for you as quickly as I can and get back to you.

**Mr. Wildman:** I will forgo raising the matter of the Granary Lake road once more. However, I would like the minister to consider the question of tertiary roads as well as main highways in the north, the need for upgrading of secondary and tertiary highways, which to an extent may have been put in the back seat recently because of the need, and the very serious need, for the upgrading of main highways like highway 17 and so on. If he is thinking of that perhaps the minister might look at 638 and 552 west in Algoma.

**Hon. Mr. Bernier:** Yes, Mr. Chairman, I will certainly take that into consideration.

**Mr. Chairman:** Shall vote 704 carry; or just the items? The members have sort of strayed around a little.

Items 1 to 3, inclusive, agreed to.

On item 4, rail and ferry services:

**Mr. Bolan:** I see the ONR boys over there; they thought they were going to get away.

I want your undertaking that you are not going to carry out the threats which are being made by the chairman of the Ontario Northland Transportation Commission and by his hatchet man up in Kapuskasing, Piche, that you are not planning the decentralization of the Ontario Northland Railway, specifically the bus passenger service, the telecommunications service, as well as the rail repair service. You know, Mr. Minister, and we have discussed this several times before, and I have raised it in the House, that these are the verbal threats, the verbal harassment, which these two members of the Ontario Northland Transportation Commission are spewing in northeastern Ontario.

**Hon. Mr. Walker:** I thought your party favoured decentralization.

**Mr. Bolan:** Keep quiet, Gordon we will get to you later. We might find a work camp for you up in northern Ontario; in fact we will build one for you.

**Hon. Mr. Walker:** Don't you have nasty things to say about northern Ontario; it is a great spot.

**Mr. Bolan:** In any event, Mr. Minister, I want your undertaking there is nothing like that going on, because I want to be able to say to the people of northeastern Ontario tomorrow, that the ONR is owned by the people of Ontario and that it is not the private railway line of the Ontario Northland Transportation Commission.

**Hon. Mr. Bernier:** As the honourable member is very much aware, the commission is given the responsibility to administer the affairs of the ONR in the best interests possible of all the people. I have not heard them talking of any move related to the matters to which the honourable member refers. I see it in the newspapers.

**Mr. Bolan:** Oh come on now.

**Hon. Mr. Bernier:** I said the commission as a whole. The odd individual commissioner may be making noises or—

**Mr. Bolan:** Yes, but he is the chairman. Didn't you know that?

**Hon. Mr. Bernier:** No, he is not.

Mr. Mathews is the chairman. I think he laid it out clearly to the chamber of commerce that there was no big move to move out of North Bay. I think that is very clear.

**Mr. Bolan:** That was after the minister put the whip to him.

**Hon. Mr. Bernier:** They have a responsibility to run an operation as efficiently and



economically as possible and in the best interests of the people of northern Ontario. I am pleased to say I think they are doing that, and I am sure they will continue to do it.

**Mr. Wildman:** Mr. Chairman, I would like the minister to explain what he meant in his answer in the question period that the ministry and the commission have not had serious discussions with VIA Rail. What did he mean by saying that he had not had serious discussions with them?

**Mr. Bolan:** That is what the deputy minister said up in North Bay.

**Hon. Mr. Bernier:** I would be glad to answer that. We all know the federal government has passed a certain piece of legislation giving VIA the authority to control and to get into passenger railway service. We met with them in a very informal way, saying, "Look, where are we going with the VIA takeover?" if you want to call it that. They made it very clear to us: "We are not prepared even to talk to you at this point in time. We are interested in getting the trans-continental service into place. We are working with the CNR and the CPR on getting those main lines operational under the VIA umbrella. We will get back to you." That is

what I meant when I said we had not engaged in any serious discussions with VIA.

**Mr. Wildman:** But the minister was interested.

**Hon. Mr. Bernier:** We do not have any choice, quite frankly; that will be their decision. They will be looking to other provinces that have provincial railways too, I suspect, but we have had no serious discussions with them to this point in time.

Before I sit down, Mr. Chairman, I want to comment that there may be commitments I have made to the members during the course of the examination of my estimates. I am going to ask my staff, as I did last year, to review all the things we have said and the ideas we have exchanged. If I have made commitments to provide information and not fulfilled those commitments, then I will do so in writing to the individual members. I hope that will be satisfactory.

Items 4 and 5 agreed to.

Vote 704 agreed to.

**Mr. Chairman:** That completes the estimates of the Ministry of Northern Affairs.

On motion by hon. Mr. Grossman, the committee of supply reported certain resolutions.

The House adjourned at 10:34 p.m.



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No. 58

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, May 31, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

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THURSDAY, MAY 31, 1979

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### NEW PLANNING BILL

**Hon. Mr. Bennett:** Mr. Speaker, I take great pleasure in tabling for the House the white paper on the Planning Act, which sets out the approach this government will take in drafting a new planning act for our province. Honourable members are all aware, I am sure, that the white paper has been through a long review period. There are reasons for this.

First, it should be pointed out that this white paper does not refer to a series of simple amendments to the existing act. Rather, it proposes a new act to ensure that the planning process in Ontario meets current needs and future expectations. The Planning Act, like many other acts, receives limited attention from the public. Yet it is one of the most important acts of this province as it sets the rules by which municipalities control development and hence determines to a great degree exactly how this province will evolve.

When the original act was passed in 1946, Ontario was heading into an exciting and demanding period of growth. The province was on the verge of a baby boom. It was facing a time when hundreds of thousands of immigrants were arriving to start new lives for themselves and their children in our province. It was a period of rapid development, unparalleled in our history, when the needs for housing and for industrial and commercial expansion were paramount.

The success of that act in bringing order to development, while ensuring that all segments of society were able to benefit, is readily apparent. For more than 30 years, the original Planning Act stood us in remarkably good stead. Yet times change, and the act must also change. Our concerns about providing more housing, more industry and more commerce have been enlarged to include concerns about pro-

tecting our heritage and environment and to ensure that valuable resources such as agricultural land, are retained. In addition, we recognize that municipalities are much more capable of looking after more of their own planning interests than in the past.

Without going into specifics at this time, I would like to state briefly that the main changes proposed by the white paper involve: Refining the role and interests of the province in local planning so that there will be no interference in municipal matters, unless it is necessary to protect the provincial interest; streamlining the planning process in Ontario by cutting red tape and by providing municipalities which are capable with more autonomy in deciding their own local planning issues; and altering the role of the municipal board when it deals with planning matters so that it becomes solely an appellate body able to deal with issues more quickly and efficiently.

I wish to make clear that the white paper represents a firm commitment by this government. Recommendations have been arrived at only after careful deliberation. I would add that because of the extensive public input we encouraged throughout the review process we are convinced that a firm basis exists for the changes that we propose.

In 1975, a committee chaired by Eli Comay, professor of environmental studies at York University, began a complete review of the act. Other committee members were Earl Berger and Eric Hardy, with Dennis Hefferon as legal counsel. Meetings were held across this province by the committee to elicit public response. More than 300 briefs were received to help the committee in preparing its recommendations.

In June 1977 the committee's report was tabled in this House and distributed across the province for review and comment. Upwards of 350 briefs were received related to the recommendations of the Planning Act Review Committee. At the same time, we initiated further studies and consulted with other ministries and agencies to arrive at a position that we are convinced is both far-sighted and responsible. The results of these labours are contained in the white paper.



It is the intention of my ministry to again contact local governments and other organizations and groups to explain the proposals before final legislation is introduced in this House, which should occur early next year. We will sponsor eight regional meetings across the province to explain the proposals in the white paper. These meetings begin next week in Ottawa. In the following three-week period, other meetings will be held in Sault Ste. Marie, Dryden, Thunder Bay, Kingston, London, Barrie and Toronto. During these sessions, we would hope to provide an overview to the heads of council and to planning boards on the intent of the proposed legislation.

In September, we intend to hold workshops with municipal staff, during which the proposals for change will be detailed. We have asked the municipal liaison committee for suggestions on where and when these meetings should take place. While we are committed to the white paper and the draft legislation, we are prepared to consider modifications during this final review period.

I would at this time like to acknowledge the contributions of my predecessors, the Honourable Donald Irvine and the late John Rhodes, who gave this process thrust and direction. I think also we owe a debt of gratitude to Professor Comay of the Planning Act Review Committee and to his associates. Last but not least, a special acknowledgement must be given to ministry staff, particularly those in the local planning branch of my ministry's community planning wing, and to the hundreds of other provincial and municipal officials and other interested persons who contributed through briefs and comments to the preparation of this white paper.

We have set a deadline of November 16 for comment on the white paper proposals and on the draft legislation. It is my intention to introduce to this House for debate legislation for a new act as soon as possible thereafter.

Copies of the white paper, together with a summary which has been printed as a special edition of my ministry's magazine, *Housing Ontario*, are now being forwarded to all municipalities, planning boards, school boards, committees of adjustment and all others who have participated in or are likely to be affected by this review. Copies are also being forwarded to all members of this House and should be in their mailboxes at this time.

This, we hope, will provide a contemporary and forward-looking act which will do as

much for this province in the next 30 years as was done by the existing act for the past 30 years.

**Hon. Mr. Auld:** Mr. Speaker, I have a statement from the Ministry of Natural Resources and one from the Ministry of Energy. I don't know whether the Leader of the Opposition and the leader of the third party have received a copy of the one from Energy regarding radiation at Pickering.

**Mr. S. Smith:** No, we have not.

**Hon. Mr. Auld:** I hope it will be here shortly; it is on its way.

#### DOVER TOWNSHIP FLOODING

**Hon. Mr. Auld:** I would like to table the report of the Dover Township Flood Review Committee. As members will recall, I established this committee of non-ministry people to document the events and actions taken before and during the flooding this March in Dover township. I also instructed the committee to advise me how flood warning and response systems could be improved.

The review committee was chaired by Walter Giles, Assistant Deputy Minister of the Environment. His members were Bill Brisco, a local drainage engineer, and Rosaire Sterling, a local cash crop farmer. The review committee's report is based largely on discussions with the agencies that have flood emergency responsibilities and also on interviews with many of the people who suffered hardship and property damage during the flooding.

The report contains 32 recommendations, 26 of which are aimed at reducing the chances of more flood disasters in the area. Without going into detail, let me say that these 26 recommendations cover four main areas that need to be addressed: preparation of an ice management plan; re-evaluation of the partially-constructed dikes along the lower Thames; preparation of a co-ordinated flood contingency plan for Dover township; and, finally, the need to increase awareness among local residents that floods will occur again and to provide better communications between local residents and the appropriate agencies when those floods occur.

Many of these recommendations can also be applied to other areas of the province where flooding occurs. For example, one recommendation is that interagency flood committees should be established and meet annually to ensure that flood contingency plans for a particular watershed are up to date and properly co-ordinated. The committee also recommends that conservation authorities should promote flood contingency planning



by municipalities more aggressively. The committee also points out that an ice management seminar should be sponsored by the province.

I am also pleased to see the committee members, after a thorough review, judged the province's policy on planning for flood emergencies to be, in their words, "basically sound." The committee found only a limited number of areas where the policy could be improved. This was the first real test of that policy since it was established three years ago. In that time, we have not experienced widespread flooding until recently. My staff now intends to review that policy on the basis of the report and the experience that has been gained elsewhere this year. I am sure members will agree that this is the kind of policy that needs to be constantly improved wherever possible.

I would like to thank the committee members for a thorough and timely report. My ministry will certainly review in detail all the recommendations. I am sure the report will also receive the careful attention of officials in Dover township and the Lower Thames Valley Conservation Authority.

Copies of this report will be sent to those residents whose homes were flooded and will be available in the Chatham public library. They will also be made available to local news media. Other copies will be available at the Dover township office and the offices of the Lower Thames Valley Conservation Authority and the Ministry of Natural Resources. Comments from the public on this report will be most welcome.

#### TRITIUM IN DRINKING WATER

**Hon. Mr. Auld:** Due to the anxiety caused by the Toronto Star's banner headline on "Radiation Traces Found in Pickering Drinking Water," I have asked Ontario Hydro to provide the following information which I would like to share with the House and the public.

First, despite the implications in the newspapers, I have positive assurances from Ontario Hydro that the traces routinely found in the water present absolutely no danger to people, wildlife, plantlife, Scotch drinkers or anybody else.

[2:15]

Ontario Hydro has been monitoring the drinking water ever since the station went into operation. The tritium measurements are recorded and placed on record as part of Ontario Hydro's quarterly technical reports which are available to interested members of the public. The measurements are

under the heading, "Pickering Township Drinking Water."

The maximum permissible amount in the drinking water is set by the Atomic Energy Control Board at a level which ensures that anyone drinking the water would not exceed their annual permissible limit of 500 millirem. Ontario Hydro's own standard is such that no release exceeds one per cent of the AECB figure. That is five millirem.

The amounts of tritium in the water supply are far lower than Hydro's own conservative standards. In fact, drinking the water in question would result in far less than one millirem per year. To put this one millirem a year in perspective, natural background radiation is about 100 millirem a year.

The total amount of radiation from all sources at Pickering is about three millirem a year. Of that, less than one millirem represents total tritium emissions and an even smaller amount represents the drinking water measurements. In fact, the amounts of tritium released to the lake from Pickering contribute only a small proportion of the total levels which come mainly from cosmic rays and weapons testing.

**Mr. S. Smith:** Point of order: The Minister of Energy also sent a statement on the damaged boilers at Pickering nuclear station. I don't know if he intended to read it.

**Hon. Mr. Auld:** I didn't get a copy of that.

**Mr. S. Smith:** The minister didn't get a copy?

**Hon. Mr. Auld:** It was kind of a busy morning this morning. I would like to thank the Leader of the Opposition.

**Mr. Peterson:** Do you know what's in it?

**Hon. Mr. Auld:** Ah, yes, I went over it at 20 to two. It took a little while to get the copy.

**Mr. Peterson:** We have a lot of confidence in the minister.

**Mrs. Campbell:** Yes, we do.

**Hon. Mr. Auld:** The honourable members are so wise.

#### NUCLEAR PLANT SAFETY

**Hon. Mr. Auld:** Following my last statement to the House on May 25 concerning the damaged boilers at Pickering B generation station, some honourable members posed further questions regarding the contracts for these boilers. I said at that time that I would seek further information from Ontario Hydro on these questions and provide it to the House.



On May 28 the Leader of the Opposition asked why competitive tenders were called for the Pickering A boilers in 1965 and for Bruce A in 1970, but not called in 1973 and 1974 for the Pickering B boilers.

The main reason for ordering a repeat of the Pickering A boilers for Pickering B station from the same supplier was to obtain the benefits of economy, efficiency and operating standardization. I think I mentioned that in the previous statement.

The Pickering A boilers had performed well and continue to provide excellent service. I should like to emphasize that Pickering A has achieved world renown since its four units began operation between April 1, 1971, and May 1973. It has broken many production records and, in 1977, on a world-wide basis, Pickering A's four units ranked first, third, fourth and sixth for reliability among more than 80 nuclear units of 500 megawatts or over. Hydro's objective in reordering the boilers for Pickering B was to achieve the same high level of performance as for Pickering A.

As I mentioned in my statement of May 25, Ontario Hydro advises me that at the time Hydro placed its orders with Babcock and Wilcox Canada Limited for the Pickering B boilers, that company was the only one in Canada which had the necessary manufacturing facilities in place—and I underline "in place"—to build this type of boiler.

It is quite likely, as suggested by the honourable member for York South (Mr. MacDonald), that had another Canadian company been awarded a contract for nuclear boilers in the early 1970s, it could have tooled up and delivered the boilers. However, I am advised by Ontario Hydro that the typical schedule for a repeat order requires about 14 months less than for tendering for new designs.

As honourable members will recall, the 1973-74 period was one of great turmoil and uncertainty in the energy field due to world crude oil price increases and embargoes. In this context, Ontario Hydro felt there was some urgency to order the boilers for Pickering B and to have them delivered. Clearly, this was an additional factor favouring a reorder from Babcock and Wilcox Canada Limited.

Nevertheless, as mentioned earlier, the predominant consideration in Hydro's decision not to go to tender for the Pickering B boilers was to obtain the benefits of economy, efficiency and operating standardization.

As the attached chronology indicates, Atomic Energy of Canada Limited placed

the order for the nuclear boilers for the Candu station being built in Korea with Foster Wheeler Limited of St. Catharines after a competitive tender in 1976, some two years after the Pickering B orders were placed.

Despite the fact there is a constant flow of information between AECL and Hydro, Hydro informs me it received absolutely no information from AECL which suggests that AECL's decision was based on any concerns AECL may have had with the Babcock and Wilcox design. If the Leader of the Opposition has information to the contrary, I should be happy to receive it.

The honourable Leader of the Opposition further inquired as to the financial status of Babcock and Wilcox to rectify the defects found in the Pickering B boilers. Ontario Hydro's objective is to get the boilers installed in order to limit delays for the in-service dates for the Pickering B units and to ensure the provisions of the contract are met. I can only repeat this is undeniably a complex and difficult legal question which will require considerable discussion before it is ultimately resolved.

The fact that Hydro did tender for the Darlington boilers answers the question asked of me by the member for York South. The scheduled delivery dates for these boilers ranges from March 31, 1982 to May 15, 1985. However, Hydro has directed Babcock and Wilcox to hold off on any significant work on the contract.

I would like to assure the honourable leader of the New Democratic Party that the risk certainly does not rest solely with Ontario Hydro. The contracts with Babcock and Wilcox require the boilers meet performance specifications. The manufacturer will be required to rectify any deficiencies in performance resulting from deficiencies in design or manufacture.

Attached to the statement, Mr. Speaker, is the chronology of large Candu nuclear boiler awards, starting with Pickering A in 1965 and going through to the last one, Darlington, in 1978.

[Later (2:28):]

Hon. Mr. Auld: Mr. Speaker, I am afraid this isn't my day.

Mr. Cassidy: You've had most of it so far.

Hon. Mr. Auld: The copy of the statement which I read had some pages typed on one side and some on two, and I missed a couple of pages. If I may, I'd like to read them now for the benefit of Hansard.

Mrs. Campbell: It didn't make any difference.



**Mr. Cassidy:** Nobody noticed the difference.

**Hon. Mr. Auld:** Between one thing and another it's been a busy day.

**Mr. Foulds:** Two portfolios are getting too much for you.

**Ms. Gigantes:** Dispense.

**Hon. Mr. Auld:** I thought it seemed longer when I read it this morning. I would like to add pages four and six. Page four follows after "economy, efficiency and operating standardization."

**Mr. Foulds:** This is called an addendum.

**Hon. Mr. Auld:** It reads as follows: The Leader of the Opposition also asked about tendering by Atomic Energy of Canada Limited for boilers between 1970 and 1974. Attached to my statement for the information of honourable members is a chronology of large Candu nuclear boiler awards, indicating who placed the orders, which of the contracts were tendered and which companies were awarded the contracts. As the chronology shows, AECL tendered for boilers for three reactors in 1973 and 1974, namely, Gentilly, Argentina and Lepreau, and in each case AECL awarded the contract to Babcock and Wilcox.

The Leader of the Opposition also asked if I was unaware that Babcock and Wilcox did not receive the AECL contract for a Candu station in Korea, partly because of AECL's concern that the Babcock and Wilcox design would produce the tube crimping that did in fact occur. He further suggested that Babcock and Wilcox had been awarded the contract for Darlington, despite the fact that Hydro had been warned that that design would lead to these very problems.

Then page five follows and now I am reading from page six.

**Mr. Foulds:** These pages aren't concurrent.

**Hon. Mr. Auld:** As I reported last week, these discussions—the discussions about the repair of the boilers—are currently under way between senior officials of Hydro and Babcock and Wilcox. It would be inappropriate for me to comment further.

The leader of the New Democratic Party asked whether in the case of previous contracts or of the Darlington contract there is any guarantee from Babcock and Wilcox that the very complex and sophisticated boilers will in fact work.

**Ms. Gigantes:** You don't need the boilers at Darlington at all. Delete Darlington.

**Hon. Mr. Auld:** I should point out that the order for the Darlington boilers was placed with Babcock and Wilcox in 1978 in competitive tender and theirs was the lowest

evaluated tender. Ontario Hydro decided to go to tenders due to design and scale differences from the previous orders.

The Darlington boiler contract was awarded before the discovery of defects in the Pickering B boilers. Ontario Hydro advises me that there was no intimation, prior to the placing of the Darlington order, which suggested that any difficulty would be encountered in the manufacturing of boilers at Babcock and Wilcox.

**Ms. Gigantes:** You don't need the Darlington boilers. Forget them.

**Hon. Mr. Auld:** I apologize to the House for the mixup that I have caused.

**Mr. Breithaupt:** It is much clearer now.

[Reverting (2:23):]

#### MUNICIPAL LEGISLATION

**Hon. Mr. Wells:** Mr. Speaker, this afternoon I will be introducing a bill which contains a number of amendments to the regional acts. Many of these proposed amendments are common to all 10 acts. Each region will be able to contract for insurance to protect the members of its council or any local board, to invest in credit unions, to accept historical documents, and to control parking on regional property. Similar amendments were made to the Municipal Act last fall.

The bill will also increase the maximum rate of interest a regional council may charge an area municipality for failure to pay its levy, from one per cent to 1.25 per cent per month.

Other amendments would apply only to certain regions. In regions where all water and sewer services are a regional responsibility, the region will be authorized to enter into agreements to maintain and repair pipes in condominiums.

In regions where the planning powers of the council are described as being the powers of a planning board, it will be made clear that the quorum for the council on official plan matters is the same as for all other regional responsibilities. In Ottawa-Carleton and York, two changes are being made that were inadvertently left out of the Metric Conversion Statute Law Amendment Act.

In regions where the region provides sewage treatment facilities and the area municipalities provide local sewers, the region will be authorized to control the discharge from local sewers into regional sewers and treatment plants.

A number of amendments proposed in this bill are unique to one region and are included as a result of local requests. In Ottawa-Carleton these amendments will



abolish the library boards in Nepean and Vanier and will increase the size of the Ottawa-Carleton Transit Commission. In Niagara, the bill will remove the right of appeal of the method used in calculating sewer rates. In York, it will transfer the responsibility for solid waste disposal to the region.

In Waterloo a minor boundary change is being made at the request of the region and the cities of Kitchener and Waterloo. In addition, because of the method by which the city of Waterloo selects its regional councillors, a small change is included to provide a procedure in the event of acclamations or tied votes. A further amendment will allow the regional municipality of Waterloo to establish uniform sewer rates.

### ORAL QUESTIONS

#### TRITIUM IN DRINKING WATER

**Mr. S. Smith:** If it's not the Minister of Energy's day, perhaps I should try asking him a few questions. I will ask him, first of all, about the subject of the tritium in the drinking water of the town of Pickering, appreciating the minister's statement that the amount is extremely small and well below anything that would even remotely constitute a hazard.

Would the minister, nonetheless, assist the House by providing us with some additional information? In particular, can he tell us when this tritium was first discovered in the drinking water, whether this is a regular monitoring process and what the level was?

[2:30]

Can he also tell us whether tritium is related to the leakage at the Pickering nuclear station, and if so, where the leakage is taking place, what is the size of the leakage and whether there is a particular leak that is responsible for the recent findings?

I guess basically what I would like from the minister is a more complete report on the level of tritium that is leaking. What is the allowable level? Has there been any change recently? What is the nature of the monitoring process? And so on. Can we have a more complete report?

**Hon. Mr. Auld:** I believe that monitoring has been going on since before the plant actually came into operation—I think from about the time a decision was made to site the plant at its present location.

I believe the background level would be something in the neighbourhood of the existing level. There might be a slight increase because of the fact that the plant itself does

have some general emission, as everybody knows; a very minuscule one.

I would remind the honourable members that there was a shutdown because of a leak of heavy water in one of the heat transfer—I've forgotten the term. Not in the boiler but in the heat exchanger. As I recall, it was such a minuscule leak that it was quite a while before the unit was shut down because it took some time to locate the leak.

I think there was one other incident in one of the units at Pickering where there was another leak of heavy water—again, I think, in a similar kind of operation, I'll get all the details of that.

**Mr. McClellan:** You are really up to date on everything, aren't you?

**Hon. Mr. Auld:** Since the amounts are so small, and there's so much dispersion from the cooling water effluent, I'm not sure whether it is possible to say whether the current level that is found in the drinking water has been increased because—

**Mr. Wildman:** I think you'd better share the work with the Minister without Portfolio (Mr. Wiseman).

**Hon. Mr. Auld:** —of this heavy water leakage or whether the tritium level is about the same as it was this time last year. I'll get the records, which are available, and the best guess I can get as to the source.

**Mr. S. Smith:** I thank the minister for his undertaking to obtain the information, although I may parenthetically express some surprise that he doesn't already have the information as to where the leak is, if there is a leak, and, if there's been an increase, what the amounts are.

**Hon. Mr. Auld:** I understand there is no current leak but there was one which I think all members were aware of not too long ago.

**Mr. S. Smith:** By way of supplementary—

**Some hon. members:** Oh! oh, no.

**Mr. Speaker:** That really wasn't a question.

**Mr. S. Smith:** I sat down in respect of the fact that the minister stood.

May I ask, by way of supplementary, whether the minister can comment on the reported statements by Mr. Steeves, of Hydro, that tritium is a health hazard of a very innocuous nature, considering the Canadian Environmental Advisory Council, as quoted in the Porter commission, has said there has not been any major research on the biological effects of tritium? In view of the fact that it was pointed out that this really is, in a sense, a Canadian responsi-



bility, can the minister say if there has been any such research that he knows of and can he report it to the House?

**Hon. Mr. Auld:** Mr. Speaker, I can inquire. I imagine there has been, but I am not aware of the details. I read that in the paper about 10 o'clock this morning and it took a little while to track down the necessary people to get the information.

**Ms. Gigantes:** If, as the Porter commission suggested, the minister finds there is no major research on the biological effects of tritium, will he undertake to have such research done, so we can know that these minuscule amounts are not having serious biological effects?

**Hon. Mr. Auld:** Mr. Speaker, I'll take that into consideration when I'm looking into the answers to the Leader of the Opposition's questions.

**Mr. McCaffrey:** Point of privilege, Mr. Speaker: I think this is a legitimate point of privilege, and if it's to be otherwise described as clarification, I will take your guidance on that. Because this has happened a number of times in the last session I think it might be an appropriate time for me to raise this matter.

Increasingly, under ministerial statements—and I think it's particularly so since the widespread concern about nuclear matters—there have been quite detailed as well as lengthy statements. Properly, the opposition leaders and opposition critics have access to those statements as the minister is reading them. It seems to me, now that we are in a position where there are a number of supplementary questions on this very important matter, it's right and proper that private members of the Legislature also have the statement at the same time.

Interjections.

**Mr. Speaker:** That seems to have almost universal accord. I'll discuss that with the House leaders and report back.

**Mr. S. Smith:** That's a good point.

**Hon. Mr. Grossman:** Mr. Speaker, on a point of order, so the record will show the straight facts, lest the impression be left that the ministers are not providing them for all of the members of the House, I think it should be pointed out this is in accordance with a decision made by the House leaders—in consultation, I believe, with the Speaker.

**Mrs. Campbell:** We're aware of that.

**Hon. Mr. Grossman:** That's why I wanted it to show on the record. All of my col-

leagues and I would be pleased to make those available, if it's the desire of the House.

**Mr. McClellan:** It's a good suggestion.

**Mr. J. Reed:** I have a supplementary of the minister. Can the minister tell us, as this statement is made with regard to the element tritium and if tritium is used as the monitoring agent for radiation leakage, are other elements in the system searched for at the same time? In other words, is tritium simply a baseline search that is undertaken or does the ministry look for things like cesium, strontium, iodine and so on?

**Hon. Mr. Auld:** Mr. Speaker, I understand the figures I was given are for the total radiation from all similar sources.

#### NUCLEAR PLANT SAFETY

**Mr. S. Smith:** I have a question of the Minister of Energy on his statement regarding the Babcock and Wilcox boiler matter.

First of all, he says on page five of his statement that AECL had provided no information for Hydro concerning the reasons it switched from the Babcock and Wilcox boiler to the Foster Wheeler boiler for the Korea reactor.

May I ask the minister why he keeps repeating this without finding out from Hydro why it didn't ask AECL what the reasons were for this sudden switch? The minister can see from the chronology that Babcock and Wilcox got all the awards from 1965 to 1975. There is a sudden change with regard to the Korea reactor. The minister has said it was a competitive situation, but we have reason to believe the Foster Wheeler one was more expensive than the Babcock and Wilcox one. Therefore, I ask the minister why he is satisfied without finding out from Hydro why it didn't ask AECL the reason for this sudden change.

**Ms. Gigantes:** We don't know that they didn't ask.

**Hon. Mr. Auld:** My understanding is that it was a competitive tender and that Babcock and Wilcox's was not the lowest evaluated tender.

**Mr. S. Smith:** Neither was Foster Wheeler's.

**Hon. Mr. Auld:** Then who was?

**Mr. S. Smith:** Maybe they didn't even evaluate the Babcock and Wilcox tender.

**An hon. member:** The government won't be able to get away with it much longer.

**Hon. Mr. Auld:** I will be delighted to ask Atomic Energy of Canada Limited for any



information the honourable members want. It is a federal agency and I would assume the information is available to the Leader of the Opposition if he would get his research office to call them. But I will keep on asking questions of Hydro. I am sure they would have been informed by AECL had there been anything AECL thought was wrong with any of the suppliers with whom they were dealing.

**Mr. S. Smith:** By way of supplementary: I want to relate this to another matter in the minister's statement on page five.

The minister says Hydro's objective is to get the boilers installed in order to limit delays. That's in response to the question of the financial status of the company to rectify the matter. Since I offered the minister an opportunity to deny that Ontario Hydro had in fact decided not to go after Babcock and Wilcox Canada Limited for fear of rendering the company bankrupt, and since his statement does not speak of the public interest in terms of recovering that \$35 million but only of limiting delays, may I ask him again if he endorses the notion that Babcock and Wilcox should be let go without being chased for this money, and if he endorses any decision Hydro might have made to let Babcock and Wilcox alone for fear of rendering them bankrupt?

**Hon. Mr. Auld:** Mr. Speaker, I believe I said, in answer to a similar question some time ago, that my understanding was Hydro wanted the work done according to the contract and according to the specifications. I assume that means all the repairs that are the responsibility of Babcock and Wilcox would be done at Babcock and Wilcox's expense.

**Mr. Cassidy:** Supplementary, Mr. Speaker: There has been absolutely no question in the minds of the authorities responsible at the Point Lepreau nuclear power station in New Brunswick, where similar deficiencies in boilers have been uncovered, that full responsibility lies with Babcock and Wilcox. Can the minister be clear, or can we read the end of his ministerial statement today to mean that Babcock and Wilcox has got to come up with boilers which meet all of the original specifications, even if it means rebuilding them from scratch?

**Hon. Mr. Auld:** I think that is what I said before. I have no idea of the terms of the contract with Atomic Energy of Canada Limited for Lepreau. It may be the same or similar to the Hydro contract; it may not. Ontario Hydro tells me it wants the work done according to the specifications and the

units to perform according to the specifications, and that is the supplier's responsibility.

**Mr. Nixon:** Supplementary: I wonder if the minister could inform the House, or the members of the resources development committee representing his party, of the urgency and complexity of this matter, because his members and the members of the New Democratic Party have voted to postpone any consideration of this matter by the committee.

**Mr. Wildman:** That's not true.

**Mr. Nixon:** Would the minister not agree the matter should be considered by the committee to which it is referred without further delay?

**Hon. Mr. Auld:** The committee makes its own decisions and I do not purport to interfere with them. I am anxious to see Hydro get on with the job, to tell members the truth.

**Mr. Wildman:** A point of privilege, Mr. Speaker—

**Mrs. Campbell:** You get so uptight.

**Mr. Wildman:** The member for Brant-Oxford-Norfolk knows full well that right now there are negotiations going on in the steering committee of the resources development committee in order to try to bring that matter before one of the committees of this House.

**Mrs. Campbell:** Which one?

**Mr. Wildman:** Nobody right now is trying to postpone it.

**Mr. Nixon:** Mr. Speaker, surely you would be aware of the vote taken in the committee on Tuesday evening.

**Mr. Wildman:** There was no vote.

**Mr. Warner:** There was no vote.

**Mr. Nixon:** There was a vote taken, appealing the ruling of the chairman who indicated the committee did not have the right to change the order of its business which, with respect to the committee, was really preposterous.

**Mr. Warner:** There was no vote.

**Mr. Nixon:** There was a vote taken; you and the Tories voted together.

**Mr. T. P. Reid:** As usual.

Interjections.

**Mr. Speaker:** Order. We are getting into the same difficulty we got into on Tuesday afternoon. There is a difference of opinion, a difference of interpretation about something that went on elsewhere; I am not going to countenance any further debate on it.



**Mr. Martel:** It's a false statement. They are not telling the truth.

**Mrs. Campbell:** Oh, come on.

**Mr. Nixon:** Make him withdraw that.

**Mr. Speaker:** Order. The honourable member for Sudbury East has accused another member of lying. He knows that is not acceptable in this chamber.

**Mr. Martel:** That's two days in a row they have come in with that nonsense and I'll not withdraw it.

Interjections.

**Mr. Speaker:** Order.

**Mr. Warner:** Total distortion.

**Mr. Speaker:** Would the honourable member care to reconsider?

**Mr. Martel:** No, I would not care to reconsider because I'm tired of this guy's lies.

**Mr. Martel** withdrew from the chamber.

Applause.

Interjections.

[2:45]

**Mr. di Santo:** On a point of personal privilege, Mr. Speaker. I was the one who spoke in the committee on this very subject.

**Mr. Speaker:** Order. I said I would not hear any more argument or debate on something that happened outside of this House. I don't think it is appropriate to be trying to accomplish in this House something you weren't able to accomplish in the committee. It is the responsibility of the committee to report to the House and to the Chair if there is something it can't resolve there.

**Mr. di Santo:** Can I ask that the record be corrected?

**Mr. Speaker:** What record? I am not in a position to know what went on in the committee so I am not in a position to know whether the record is correct or not.

**Mr. Riddell:** It's a broken record back here.

**Mr. Foulds:** I would like to ask the minister as a supplementary whether or not the implication of his last reply is that the specifications by Hydro were inadequate?

**Hon. Mr. Auld:** Let the member reread my reply.

**Mr. Foulds:** That is not an answer.

**Mr. Speaker:** In connection with the last incident, lest the matter go any further, I think I would be remiss if I did not remind all honourable members that it is taken for granted in this chamber that all honourable members are indeed honourable members

and would not do anything to misconstrue something that took place here or elsewhere.

I am in no position to determine from the facts available to me what are the facts or what is the proper interpretation. I would just like to caution all honourable members that anything they say in this House is fact in their own honest opinion. I would like them to keep that in mind when they are making allegations back and forth. I have to assume that all honourable members are indeed honourable members.

**Mr. Cassidy:** I have another question for the Minister of Energy relating to the safety of the Rolphton nuclear power plant in eastern Ontario.

On May 10 and again last Thursday, the minister made statements to this House indicating that the nuclear power station at Rolphton was shut down only for normal housekeeping maintenance. Was the minister informed by Hydro that radioactive heavy water has been leaking from tubes in the heat exchange system at that plant since September 1978?

Is the minister aware that these leaks constitute a danger to safety because of the danger of release of radioactive tritium into the atmosphere? When did the minister become aware that Hydro has decided to postpone the reopening of the Rolphton power plant at least until June 16 because it has been unable until now to complete repairing these problems?

**Hon. Mr. Auld:** As far as the first part of the question is concerned the information I have from Ontario Hydro is that it was doing routine maintenance. I do know from previous reports that routine maintenance may include a number of things which may have happened some time before but were not severe enough or serious enough to cause a shutdown until the normal maintenance period came along.

As far as the second part of the question is concerned, I was informed yesterday that it was apparent the maintenance was taking longer than originally anticipated and they were now thinking the plant would reopen about, give or take a few days, June 16.

**Mr. Cassidy:** Supplementary: Since the plant is now going to be closed until June 16 and since it is clear there are safety problems, despite the minister's statement that the plant was shut down only for normal housekeeping maintenance, can the minister explain why, as recently as a couple of hours ago at the House leaders' meeting, both the Conservative Party and the Liberal



Party refused to have a debate on the select committee's report, which recommended the Rolphoton plant stay shut until this matter of safety could be considered by the select committee.

Will the government now reconsider that position so this House can consider that report and so that the safety questions at the Rolphoton nuclear power plant can be explored by a committee of this Legislature before that plant is reopened?

**Mr. S. Smith:** Why doesn't the leader of the NDP let it go before the committee? That is where it should be discussed, not in the House. We don't need a debate here on it.

**Mr. Foulds:** The committee has reported, you dummy.

**Hon. Mr. Auld:** Mr. Speaker, I haven't changed my position, which I thought I made pretty clear in the statement I gave the House about 10 days ago. As far as my information is concerned, the Atomic Energy Control Board, which is the licensing agency, is quite satisfied with the safety aspects of the plant.

In fact, I understand the 10 things that it had been suggested be done over a period of time have all either been completed or found to be unnecessary after further study. Two of the modifications, I guess I'd call them, which have been installed are not yet in use because they are being tested. When they have been tested satisfactorily I assume that the control board's approval will be altered to include the use or the application of those modifications.

**Ms. Gigantes:** Supplementary: I wonder if the minister realizes the full implications of what he is telling us? Does he understand that these leaks in the heat exchange system, in combination with an emergency core cooling system which has not even been modified in the patch-up kind of way that the AECB recommended, when these two things are going on at the same time at that plant there are grave questions about the safety of the plant, and doesn't he think it's time for the government to recommend to Hydro that there should be a complete investigation of safety at the plant, given these two circumstances?

**Hon. Mr. Auld:** I think I just answered that.

**Mr. S. Smith:** By way of supplementary, would the minister encourage his members—and one only hopes that the NDP will do the same—on the steering committee of the

Hydro committee, now that Rolphoton will not be open for another few weeks, to now take up the matter of Rolphoton in front of the select committee on Hydro affairs—where witnesses can be questioned, where people can have documents presented to them line by line and be asked for explanation—which is obviously the place for the Rolphoton matter to be discussed, rather than have a debate in the House, where no witnesses can be questioned and no expert evidence obtained?

**Hon. Mr. Auld:** Mr. Speaker, I'll think about that.

### GOVERNMENT PURCHASING

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Industry and Tourism about Ontario's buy-Canadian policy and the specific promise of government to give a 10 per cent preference in the Ontario government's purchasing of Canadian goods. Can the minister now say how much is spent annually on the purchase of goods and services by this province, what percentage of this spending is on imported goods and services, and when the government intends to begin releasing the progress reports on the replacement of imports of goods and services by ministry, which the minister promised to provide at the government purchasing conference last November?

**Hon. Mr. Grossman:** We are attempting to compile that information. There are some difficulties in doing so, which are partly on account of the fact that for a lengthy period of time there wasn't a statistical analysis kept in this or, I might add, any other government in Canada, which would give a definitive answer to that question. We are trying to set up systems to do that now and I'll have a report for the honourable member shortly.

**Mr. Cassidy:** Supplementary: In recent speeches the minister has been saying that the government will consider preferences that are greater than 10 per cent for Canadian goods which are critical, high capital and high technology purchases. Is the minister aware that the Ministry of Government Services purchasers are not aware of that guideline and say that it is not applied in the purchases that are carried out through their ministry? Can the minister say where that policy of special purchasing preference is put down on paper, and can he give us some specific examples of whether or not that policy has been applied in certain cases



in order to encourage the development of high technology goods here in Ontario or in Canada?

**Hon. Mr. Grossman:** I don't recall the exact details, but I would think the Hawker Siddeley streetcars were an example of a place in which that policy was implemented. A 10 per cent preference has been in place since 1976 I think, or 1974—

**Mr. S. Smith:** That wasn't buy Canadian, that was buy Ontario.

**Hon. Mr. Grossman:** No it wasn't. With regard to the second part of the question as to where we would give more than 10 per cent, that is on a case-by-case basis. That often comes down to a decision made and a recommendation from the ministry involved to cabinet to ascertain whether in the view of the government as a whole this is one of those cases that merits that special consideration. That policy is well in place.

**Mr. di Santo:** Since every other industrial country, and the minister may have learned something in Japan, is entrenched by domestic policy either by non-tariff barrier protection or outright incentives to domestic firms, and since these habits will firmly remain even after the GATT negotiations are completed, doesn't the minister think he should start devising a policy for the province of Ontario, since right now we don't have one? Doesn't he think he should study the policies of the other countries and make comparisons and report to this House so we know where he stands, since he is saying one thing and the government through another minister is saying another thing?

**Hon. Mr. Grossman:** There has been no question about the fact of our 10 per cent procurement policy. It has been in place since 1974.

**Mr. di Santo:** That's not what the minister of Government Services (Mr. Henderson) said Thursday.

**Hon. Mr. Grossman:** No, no; there is no evidence I have heard here today of a situation in which that 10 per cent preference was not given. I can only tell the member that although he may feel we should pay more than 10 per cent and I respect that view, nonetheless, as your leader indicated a moment ago, our policy is 10 per cent, plus more under special circumstances. That, to my knowledge, has been, in each and every case, the system honoured and obeyed. If you have evidence to the contrary I would like to receive it.

## EMPLOYMENT DEVELOPMENT FUND GRANT

**Mr. Bradley:** I have a question for the Minister of Industry and Tourism. It relates to his statement of May 24 in which he indicated that \$420,000 will be provided through the Employment Development Fund to assist TRW Canada Limited in a \$5 million expansion in St. Catharines and an \$8 million project in Tillsonburg. Would the minister state to this House, unequivocally, that the expenditure by TRW would not have taken place without the \$420,000 from the Employment Development Fund?

**Hon. Mr. Grossman:** Yes.

**Mr. Bradley:** In view of the fact I attended a sod-breaking ceremony in St. Catharines on April 6, four days before the announcement of the Employment Development Fund in the provincial budget on April 10, and in view of the fact it was known in business circles months before the budget was brought down that TRW was to establish a plant outside of St. Catharines, would the minister not agree the expansion is taking place as a result of favourable markets being taken advantage of by a capable management and a competent work force? Would the minister not agree that since we all assume TRW would not have prior knowledge of the contents of the provincial budget, the \$420,000 really represents a windfall to TRW?

**Hon. Mr. Grossman:** No, I wouldn't. TRW proceeded on the basis of a telegram sent by me on behalf of the government of Ontario on January 4. The reason for this is that we thought it would be quite inappropriate to lose opportunities that might otherwise stay in this province simply because the budget had not yet come down.

**An hon. member:** I thought the budget was supposed to be secret.

**Mr. S. Smith:** Did you prerelease the budget to all firms in Ontario?

**Mr. T. P. Reid:** Table the telegram.

**Hon. Mr. Grossman:** I would be happy to read the telegram. The company was facing certain dates upon which it had to indicate to its parent board its intentions and its ability to locate in Ontario. Rather than say: "I am sorry. We won't have our budget in place before your meeting at which you are going to make some decisions," we decided at a cabinet meeting, after consultation, to give that undertaking. I will be pleased to read that telegram to the House. This is to TRW Canada Limited:

"Reference to your conversation with Duncan Allan, I am pleased that TRW is



pursuing a major new investment in Ontario and wish you success in your proposal to the parent board. As discussed with Mr. Allan, the Ontario government is prepared to assist in the financing of your proposed expansion plan to the extent of fully subsidizing the interest costs at the Canadian prime rate on \$1 million over a five-year term. This represents a present value in the order of \$420,000, assuming a discount rate of 11 per cent, thereby substantially offsetting the incentive effect in alternative locations which you outlined to us. Again, let me repeat that we welcome industrial expansion in our province and will assist TRW Canada Limited in creating new jobs for our work force."

[3:00]

You will follow the way we set that out, which was at that point in time the traditional way we were assisting firms by way of the Ontario Business Incentives Program. That program, OBIP, for those cases over \$250,000 is essentially replaced by an up-front grant which I would remind the member is exactly the same in terms of its net impact on the company as the former OBIP grants were. I would point out to the member, for example, that OBIPs have been traditionally used by the government for very many years and with a lot of success. This case is a perfect example of where the OBIP assistance we offered, under our programs then in place, is exactly the same cash equivalent as the grant from the EDF.

**Mr. Cassidy:** What is the nature of the job guarantee which has been given to the Ontario government by TRW in return for the Ontario government's grant? Will the Ontario taxpayers get their money back if that job guarantee is not in fact met?

**Hon. Mr. Grossman:** Absolutely. The terms of the contract signed in each and every EDF case is that in the event the job commitments are not reached in their entirety all of the money comes back to the government.

**Mr. Epp:** A supplementary question to the minister: Would the minister not agree that this is a prime example of how the government is taking money from the haves-nots, through taxation, and giving money to the haves?

**Hon. Mr. Grossman:** I really must say that is just part of a larger debate as to whether we should allow companies to go to other jurisdictions or not. I must point out to the member's party that I have in front of me a list—and just to take one example in the riding of Quinte: In the

last six years there has been the equivalent of cash grants by way of OBIPs to the tune of about \$2.5 million. They were exactly that type.

Many of those firms, the member could equally argue, were well enough off not to merit this type of support, but I tell members I have not heard a word from that side of the House saying that all of these OBIP loans, which are the same as a cash grant, were wrong things to do. I totally and categorically disagree with what the member is saying. We are going to continue to pay money where we know we can create jobs. I think it is much better to pay the private sector to create jobs which otherwise wouldn't be created than to pay money for unemployment insurance.

#### BONAR AND BEMIS DISPUTE

**Mr. Mackenzie:** A question of the Attorney General: Is the minister aware that Bonar and Bemis, of Burlington, who have been involved in a strike situation with Local 8401 of the United Steelworkers of America since May 1, are using Professional Transport Services of Streetsville to act as strikebreakers; and that employees of this firm were responsible, yesterday, for deliberately ramming an automobile driven by striking members of the plant, forcing it into the ditch and threatening to roll it over, causing possibly serious damage and even death to the people inside the car? Has he been made aware of the incident and is he prepared to investigate this hit-run tactic of the company?

**Hon. Mr. McMurtry:** No, I am not aware of the incident. I am quite prepared to look into the matter, in view of the seriousness of the allegation from the honourable member. I assume the honourable member, if necessary, will supply me with any additional information that may be required.

**Mr. Mackenzie:** Supplementary: Will the minister also initiate action to look into the use of strikebreakers, hopefully leading to the banning of their use in a legal strike situation in the province of Ontario; both to bring about more justice in the negotiating situation and to prevent such incidents, which can lead to serious injuries or death?

**Hon. Mr. McMurtry:** It has appeared to me that there are many different interpretations of the term "strikebreaker." I would be happy to discuss again the matters raised by the honourable member with the Minister of Labour (Mr. Elgie).



## LIQUOR AND WINE PRICES

**Mr. Breithaupt:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Is the minister satisfied with the action of the Liquor Control Board of Ontario in making continuous price increases for its various products without particular notice to the public?

**Hon. Mr. Drea:** Mr. Speaker, that is not true, and the member knows it. That is absolutely not true, and I welcome the opportunity to put this into perspective.

The Liquor Control Board of Ontario a week ago, and with my full knowledge, put through token increases which deal with only freight, demurrage and some fluctuations in Canadian currency. Those amount to nickels, dimes, quarters and so forth, one way or the other. Incidentally, at the same time, they also decreased prices of 16 brands for exactly the same reason.

We made a commitment in April, when the prices went up, that one could buy the old inventory for the prices paid for it plus the markup, which had not changed, for as long as it stayed in the stores. The reports yesterday do not indicate that, of the brands that went up, 14 were scotches. We simply ran out of Ballantine's, Dewar's, The Famous Grouse—whatever that is.

**Mr. Foulds:** The minister doesn't know?

**Hon. Mr. Drea:** When one runs out of one's old inventory, the new product comes into the store at the new price. Surely the honourable member is not suggesting that I tell the liquor control board to increase all the prices, right up to the new ones, regardless of when they were purchased. Otherwise, there is no other way.

When Valpolicella goes up a nickel because of some minor fluctuations in freight prices between Italian ports and the St. Lawrence Seaway, I do not think the liquor control board should announce it, because it will probably go down a dime next month on the basis of the Seaway being opened.

Finally, to put it into perspective: If at any time the markups are changed, the public will be told. There will be no change in markups this year; the honourable member has heard that from the Treasurer. If at any time the wholesale prices in Europe or the United States go up, the public will be told immediately. But even during the so-called freeze last year, when there were no increases, month after month there were decreases because of adjustments in freight and so on for very small amounts of money. The very same media that now want the board to announce things never used that information

when the board supplied it to them all last fall and winter. I trust that puts the matter into perspective.

**Mr. Breithaupt:** Would the minister not realize that part of this approach by the board leads to frequent changes in wine-list pricing and, as a result, certain costly reprintings of menus and other wine lists by restaurateurs, all of which are an additional, burdensome cost that has to be shared eventually by the patrons of these locations, whether tourists or our own citizens?

**Hon. Mr. Drea:** That is why I said if the wholesale price went up it would result in a price increase in a restaurant. These increases involving nickels and dimes and quarters—because purchases are made in bulk for the restaurant trade—will not result in them having to change the prices on their menus. If there is an increase in the wholesale or laid-down price from Europe or elsewhere, the public or retail price in the store is not the only consideration; there is also that very consideration for the restaurateur.

That is why, particularly in the case of scotch, we got commitments from the Scotch Whisky Association that there would be no more increases. There are pretty general commitments from the Ontario wine industry and from the British Columbia wine industry that there will be no increases. It is difficult to put a product into restaurants and to promote it when they go to the cost of having it on the menu and then either it is in short supply or they have to change their menus.

**Mr. Swart:** A supplementary question, Mr. Speaker: Might I ask the minister if he agrees with the policy of the liquor control board in withholding information about price increases or not giving out information? In particular, does he agree with the statement of Olga Cyhanenko, the information officer, when she says the media cannot be trusted to explain the reasons for the increases? If he doesn't agree with it, what action is he going to take in this regard to see there is more openness in the increases?

**Hon. Mr. Drea:** I am always delighted when the member for Welland-Thorold is looking for secret information. First of all, anybody can have this once a month if he wants it. I am sure the member will find it delightful reading. Beneagles Scotch is now \$10.75.

**Mr. Swart:** Don't evade the question. Does the minister agree with her?

**Hon. Mr. Drea:** Could I humbly suggest to the honourable member for Welland-Thorold that he shut up until I have done?



Interjections.

**Mr. Speaker:** Order. There is a certain level of decorum that we have a right to expect around here. Those kinds of expressions surely we can do without. Would you please withdraw that?

**Hon. Mr. Drea:** I withdraw, Mr. Speaker.

Interjections.

**Hon. Mr. Drea:** Coming back to the point the member raises, there is no secrecy by the board. There are price adjustments made in every accounting period. In the old days they didn't have to be done.

**Mr. Swart:** Do you agree with what she said?

**Hon. Mr. Drea:** In the old days they didn't have to be done because the Canadian dollar was stable. Very volatile wine prices, both domestic and foreign, didn't exist. Also, the consumer was getting ripped off by the board because the price was set once a year and if there was any decrease the board took it as profit and did not pass it on to the customer.

I don't know what remarks that person made to the media, but as usual the honourable member doesn't have his facts straight. She is not an employee of the board; she is an employee of the ministry. I will look into that matter and will deal with it.

I have never found that the media couldn't handle the matter.

**Mr. Swart:** Will the minister report back to the House?

**Hon. Mr. Drea:** It is a difficult matter, as I am quite sure the media will attest to, because there are a great number of products; but I don't plan to take any action. I would say to the member for Welland-Thorold that if he wants to go to the board at any time to check the master price list, if he would like to go into the bottling room—

**Mr. Swart:** They are arbitrary.

Interjections.

**Hon. Mr. Drea:** With all due respect to the honourable member for Welland-Thorold, the remarks about the board being arbitrary are about as indicative of the truth as his general line of questioning has been in this regard.

#### TORONTO OHC HOUSING

**Mr. Duksza:** Mr. Speaker, I will address this question to the Minister of Housing. Will the minister tell the House whether he agreed with the letter sent by the gen-

eral manager of the Ontario Housing Corporation on March 31, 1979 which stated there was no need for assisted housing in the area of Carlton and Yonge Streets in the city of Toronto?

Even if the minister agrees with the general manager's assessment of housing needs in downtown Toronto, will he also explain his response on the March 5, 1979 motion of the city of Toronto council that said the city of Toronto does not accept the accuracy of the statement? In addition, will he explain whether he agrees the city of Toronto has said the assisted rental program and the assisted home ownership program do not help low and moderate-income people?

**Hon. Mr. Bennett:** On the first part of the question relating to subsidized housing units in the downtown area of Toronto: This statement resulted from the opportunity of the Metro housing authority and the Ontario housing authority having available to it a large number of units in a highrise apartment building in the area of Maple Leaf Gardens.

This came about as the result of a condition and change of zoning some months or years ago. Of the 500 units, it was ruled that 25 per cent should be made available to the housing authorities, either municipal or provincial. At no time was there any crossreferencing of that request, either to the municipal housing authority or to the provincial housing authority. It was strictly a position taken by city council.

At the time of completion of the apartment building, it was obvious the developer could not rent the units until he signed an agreement with the province and the OHC to rent 125 units on a rent-supplement program. Once we made that agreement with them—if we should or if it was necessary—he could then commence to rent the remaining 375 units.

[3:15]

The province was made aware of this condition. In looking into the matter we discovered, not only from our own records but those of the Metropolitan housing authorities, backed up by letters of the chairman and of the executive people of the housing authorities, that there was not a need for 125 units in that particular area on a rent-supplement program basis. There was no indication in the applications that we needed anywhere close to 125. People were looking for locations in the Toronto and Metropolitan Toronto area other than that specific area.



We indicated clearly to city council, through the developer and through the Metropolitan housing authorities and through the Ontario Housing Corporation, that we could not, on behalf of the people of Ontario, enter into the supplementing of the rent of 125 units because we did not require them. That statement was made by the general manager of the Ontario Housing Corporation, Mr. Beesley, and supported by a minister's letter backing up the situation.

I must say to the member that we have an amendment, I believe, with the city council on the zoning, which clearly indicates that if in the future there should be some requirement for those units by any one of the public housing authorities governing the policies in this area of the province, then we can make a request upon the landlord of the day to have those units made available to us as they are vacated by other tenants.

**Mr. Duksza:** Supplementary: Am I correct in my understanding of the minister that he wants the city of Toronto to present a list of people who need housing in that area and then he will actually be willing to grant permission to build there?

**Hon. Mr. Bennett:** I am not quite sure I understand the member's supplementary. I have nothing to add other than to say that in the process of reviewing applications that were on file, both with the Ontario Housing Corporation and the metropolitan housing corporation, it was indicated clearly that the need for that number of units was not there.

**Mr. Epp:** Supplementary: I wonder whether the minister would be prepared to table in the House other examples of areas in Metropolitan Toronto where that same policy has been applied?

**Mr. di Santo:** A full list.

**Hon. Mr. Bennett:** As related to change in zoning to allow for a higher density factor or use by a developer, I am not aware of other conditions or other areas where the term or clause has been applied. I understand this came about as a result of this particular structure having gone into receivership. Because of some difficulties in financing and one thing and another, there were some changes and modifications in zoning to allow for the completion of the building; and also to allow for a higher capacity that would give a return on that investment. Otherwise, as I understand it, the building would have sat for some time.

The provision in the zoning is strictly a municipal matter. It is not one that comes to the Minister of Housing or to my ministry for any approval. It went through without having been referred to any of the authorities that were being obligated to rent a number of units under an amendment to a local zoning order.

**Mr. Duksza:** Supplementary: Since the cabinet recently approved the core plan for the city of Toronto and since the inclusion of assisted housing in the downtown core is an essential element of the plan, how does the minister expect the city to provide assisted housing when he refuses to fund it? It is their responsibility but the ministry provides the money.

Is the minister not aware that his government's policies are so ineffective that they only serve the needs of developers seeking density bonuses and never lead to the provision of assisted housing in the city of Toronto? Does he realize also that his failure to provide comprehensive housing policies has led to the destruction of neighbourhoods in south Parkdale and other inner city areas—

**Mr. Speaker:** The question has been asked.

**Mr. Duksza:** —and other forms of sub-standard housing?

**Hon. Mr. Bennett:** I am well aware of the fact that we and the Ministry of Government Services have been working on those plans relating to the core area and its development for housing purposes. May I indicate clearly to the House, and particularly to the member, that the amendment was by municipal direction in relationship to that developer and not by the Ministry of Housing nor the province of Ontario; let's not confuse or complicate the facts.

It was a municipal responsibility to the developer and did not come through our ministry. If the city of Toronto felt there was some importance in dealing with the developer to get on with the project so that it could be rented and could return some revenue to the municipality, so be it. But let the responsibility not be transferred to my ministry or to this minister himself, because very clearly it was not our responsibility.

I would say to the member for Waterloo North if there should be other examples of this type of amendment to a zoning bylaw, as originally indicated by the member for Parkdale, I should be pleased, if I can find them, to table them in this House.



## DISPOSAL OF PCBs

**Mr. Kennedy:** I have a question for the Minister of the Environment. Would he comment on a report in yesterday's *Globe and Mail* to the effect that a safe PCB disposal method has been invented which renders the substance not only harmless but useful—

**Mr. Laughren:** Edible.

**Mr. Kennedy:** —that there has been research done at the Ontario Research Foundation, with the federal grant, to achieve this end. Is the minister aware of this and could he comment as to the validity of it and just where we are?

**Hon. Mr. Parrott:** Mr. Speaker, we are aware of it, and I am pleased the member should ask that question. I'm well aware of his interest—because of the involvement of the community he represents. We are looking at several methods whereby it may be possible to either destroy or convert material containing PCBs. At this moment we're not 100 per cent sure the method has yet been found. No one would be happier than us if that could be developed.

**Mr. Kennedy:** Me.

**Hon. Mr. Parrott:** I think he is right, Mr. Speaker. I suspect the member might be even happier than we are, and I can appreciate the reason for that.

If a portable unit could be found, regardless of the process, that would render the material harmless we would welcome it. We are looking at it; we'll keep constant surveillance on it.

Indeed, in this particular instance we have met with the company involved as recently as yesterday to discuss the technical application of it. As soon as it's proved—if it's proved—it will be put into full use.

**Mr. Kennedy:** Supplementary, Mr. Speaker: Could the minister indicate just when we might have this further report? This seems to be a very positive statement. Is it possible to determine within a brief period of time if it's factual or not factual? As the minister knows, hearings with respect to PCB burning by St. Lawrence Cement are presently suspended. Perhaps this would influence those hearings.

**Hon. Mr. Parrott:** I don't have a positive date in mind on when these appraisals will be completed. Certainly I'll try to ascertain that and report back to the member.

There are some other methods right now. I think the plasma arc is one that is sometimes touted as being able to destroy PCBs. I guess perhaps it can, but the amount de-

stroyed at any given time is extremely small. It's an extremely intensive energy-consuming method, and it hasn't a great deal of practical application at this time. That's another method.

I will get back to the member and advise him in the next day or two when we can expect some appraisal from the research foundation on the method quoted in yesterday's *Globe and Mail*.

**Mr. Hall:** Could the minister advise whether the United States still permits entry of liquid PCB waste at this time?

**Hon. Mr. Parrott:** I'm sure of solids. As a matter of fact, I think the member knows we were having a bit of a discussion on this. I don't want to trust my memory on that. I thought it was permitted but I'd better be sure of that.

I'm positive on solids, no question about that, there is a proposed date when they may be banned. I will confirm the status on liquid portions of PCBs for the member.

**Ms. Bryden:** Mr. Speaker, could I ask if the minister has received any application from D and D Disposal to assist in the evaluation of this new process and the development of it? Is he making funds available to any of the other projects he mentions that are being considered for PCB disposal?

**Hon. Mr. Parrott:** We had requests and we are giving D and D technical assistance. We are not putting funds at their disposal. We believe the company that does develop an appropriate method to handle not only PCB material but other liquid wastes will find a very lucrative market. We hope the private sector will develop it on their own. We think the potential of success is reasonably large and they should be willing to take this gamble.

I think we are prepared to give them all kinds of technical assistance and support at the research foundation.

## CALEDONIA DAM

**Mr. G. I. Miller:** Mr. Speaker, I have a question of the Minister of Natural Resources. Is the minister aware there is an emergency situation at Caledonia, involving the old dam which has been slated for renewal for some time because a huge section of the dam has settled several feet? There is now also a gaping hole in the middle of it and the water level has already receded two feet below normal. This could have a serious effect on recreational use of the upper Grand River, and farm water wells



could be drastically affected. Is the minister prepared to deal with this situation?

**Hon. Mr. Auld:** I'm aware of the problem at one section. I believe it's a three-section dam and the one section collapsed recently and is now acting as a weir but is not keeping the water up as high as it did. I understand that the Grand River Conservation Authority has done some preliminary engineering and has come up with an estimate of about \$2 million, I believe, for repair.

**Mr. G. I. Miller:** About \$1.8 million?

**Hon. Mr. Auld:** In that neighbourhood.

**Mr. G. I. Miller:** Yes, in round figures.

**Hon. Mr. Auld:** I am not yet in a position to say whether or not that money will be available out of our budget for this year. In fact, the amount for dams is pretty tight for those projects that are presently underway. But I am aware of the problem and we're anxious to see it resolved.

#### FALCONBRIDGE HIRING

**Mr. Laughren:** I rise, in the absence of the Premier (Mr. Davis) and the Minister of Labour (Mr. Elgie), to ask a question on behalf of my colleague the member for Sudbury East (Mr. Martel), who was earlier ejected for telling the truth.

In view of the announcement by Falconbridge Nickel Mines that they're going to call back 300 employees, will the Treasurer of the province of Ontario tell us whether he is willing to request of Falconbridge Nickel Mines that the employees from National Steel Corporation of Canada Limited be given first priority when Falconbridge Nickel Mines starts hiring that extra 300 employees, once the laid-off Falconbridge miners, of course, have been called back under the union contract? Further, will he have the Minister of Labour use his people to bring the groups together so that an orderly hiring process can take place?

**Mr. Swart:** Reasonable request.

**Hon. F. S. Miller:** Mr. Speaker, I think it is a reasonable request. I think any time one operation is closing in an area the maximum degree of co-operation should exist in helping people get relocated.

I'm sure my colleague, the Minister of Labour, would be glad to use his offices to facilitate such assistance if possible. One can't demand that they be hired but one can do a lot to facilitate hiring.

#### RULES OF THE HOUSE

**Mr. Foulds:** Mr. Speaker, on a point of order: I don't want to inflame either you, Mr. Speaker, or other members of the House, but I would like you to pay attention and bring to your attention, with the greatest of respect, rule 19(d)(9), a rule which says: "A member shall be called to order by the Speaker if he imputes false or unavowed motives to another member."

I would suggest to you, Mr. Speaker, that some of the incidents that have occurred, both in previous days and today, arose because one member made or alleged unavowed motives to other members of this House. I suggest to you, and I have the Oxford English dictionary in front of me, that unavowed means "not admitted." I draw that to your attention and would ask you, with great respect, to strictly enforce that rule and we might avoid some of the incidents that resulted in the unfortunate leaving of my friend and colleague, the member for Sudbury East.

**Mr. Breithaupt:** In speaking to the particular point raised by the member, I'm wondering to whom the member is directing this comment with respect to the possibility of motives? Further, what are the motives that are presumably being referred to? Perhaps if Mr. Speaker could inquire somewhat more of the member for Port Arthur we'd all know what he is talking about.

**Mr. Foulds:** I am not making any allegations of false or unavowed motives. I was, strictly in the abstract, bringing the rule to your attention for its enforcement, Mr. Speaker.

[3:30]

**Mr. Sweeney:** Unfortunately we're not in the abstract.

**Mr. Foulds:** You certainly are.

**Mr. Speaker:** I am well aware of the rule the honourable member has just quoted and I try to enforce it religiously. I really don't know the connection, but I will take a look at the record and see what was said.

**Mr. Peterson:** On a point of order.

**Mr. Speaker:** I'm on my feet. Would you please! I will look into the allegation made by the member for Port Arthur and if I see there is any foundation in it I will report back to the House.

**Mr. Peterson:** On a point of order.

**Mr. Speaker:** I have dealt with it.



## REPORTS

STANDING PUBLIC  
ACCOUNTS COMMITTEE

Mr. Hall from the standing public accounts committee presented the following interim report and moved its adoption:

Your committee recommends that the Royal Ontario Museum furnish the committee with the most current monthly financial statements and budget of the Royal Ontario Museum for analysis by the provincial auditor, such statement analysis to be returned to the committee within three weeks, preferably two weeks.

Your committee further recommends that the Minister of Culture and Recreation, the Deputy Minister of Culture and Recreation, together with the chairman of the board of the Royal Ontario Museum and the director of the Royal Ontario Museum, attend at the committee deliberations of the matter.

Mr. Speaker: Shall the report be received and adopted? Carried? Report adopted.

Does the honourable member have a comment?

Mr. Hall: I will follow the Speaker's wishes. I was given to understand that I would have to move adjournment, but I would hope that the parties referred to in the motion would see fit to provide the information and be available to the committee, which considers this topic to be urgent. In the best interests of all concerned, we feel as a committee that the matter should be dealt with before this House adjourns for the summer.

Mr. Speaker: If that is the will of the committee, perhaps the honourable member would be wise to move the adjournment of the debate rather than have the motion carried.

Some hon. members: It's been carried.

Mr. Speaker: Just a minute. The member for Lincoln brought in a report from a committee and moved its adoption.

Mr. Grande: And it was carried.

Mr. Speaker: I put the question. I said: "Shall the motion carry?"

Mrs. Campbell: And it was carried.

Mr. Speaker: I heard no objection.

Hon. Mr. Grossman: Mr. Speaker, with respect, you may not have heard me over the conversation of my colleagues, but I did say no.

Interjections.

Hon. Mr. Grossman: I would point out, in any event, the rules require that the person presenting the motion "shall" move the adjournment of the debate.

Mr. Speaker: No.

Hon. Mr. Grossman: "Shall."

Mr. Speaker: No; not so.

Hon. Mr. Grossman: I believe it says "shall."

Mr. Speaker: No.

Mr. Nixon: Good try, Larry.

An hon. member: You'll be Speaker next time.

Mr. Speaker: Will the Clerk read the motion?

Clerk Assistant: The motion?

Mr. Speaker: Yes. That is the motion before the House, whether or not the report shall be adopted.

Mrs. Campbell: It was carried. The will of the House is mightier than the minister.

Hon. Mr. Grossman: It says "shall"; section 30(c) of the standing orders.

Mr. Speaker: Order. Will the honourable minister take his seat?

"Mr. Hall from the standing public accounts committee presented an interim report, which was read as follows, and moved its adoption." That is the issue before the House. I put it before the House and it was carried.

Hon. Mr. Grossman: Mr. Speaker, on a point of order.

Mr. Speaker: The motion was carried. Do you want to challenge my ruling?

Hon. Mr. Grossman: Mr. Speaker—

Mr. Speaker: Do you want to challenge my ruling? Do you want to challenge the ruling?

Hon. Mr. Grossman: I do want to challenge the ruling, Mr. Speaker.

Mr. Speaker: All right.

Hon. Mr. Grossman: Mr. Speaker, if I might—

Mr. Speaker: All those in favour of the Speaker's ruling please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Ruling upheld.

Mr. Speaker: Presenting reports.

Motions.

Mrs. Campbell: Mr. Speaker, I would like to present a report.

Mr. Speaker: I asked, "Presenting reports."

Mrs. Campbell: Mr. Speaker, I rose before and you turned your back to me.



**Mr. Speaker:** The member for St. George.

#### STANDING MEMBERS' SERVICES COMMITTEE

Mrs. Campbell from the standing members' services committee presented the following report and moved its adoption:

Your committee has the honour to present its first report and recommends as follows:

That standardized procedures be established to ensure that the legislative library receive automatically and as soon as possible all research and backup documentation from commissions of inquiry related to the government of Ontario.

Report adopted.

#### COMMITTEE REPORT RULE

**Hon. Mr. Grossman:** On a point of order, Mr. Speaker, I wonder, in the rather quick sequence of events, if you might, on a point of order, give us some guidance?

**Mrs. Campbell:** The minister is too late.

**Hon. Mr. Grossman:** We on this side of the House, after an unfortunate series of events last year, were in a position where most members stayed on Thursday afternoons in order to make sure that events just occurred on that morning or the previous day did not cause quick and hurried adoption of reports out of committees.

It was my clear understanding, and I don't want to be over-argumentative on this—

**Mrs. Campbell:** Just arrogant.

**Hon. Mr. Grossman:** That is not fair.

With respect, this side of the House was under the clear understanding that section 30(c) prevented occurrences such as I believe, have just occurred. It was intended to prevent these occurrences by making absolutely sure that, without discussion and without the possibility even of votes being carried or motions being carried, there was no option left open to the chairman of a committee presenting a report. We understood that after a chairman of a committee presented a report, he or she would move the adoption and could make a brief statement and then, "shall adjourn the debate."

We read that as saying you ought not, under the rules, to call for adoption of that report; ought not to permit the House to vote on that motion; rather the member reporting is obliged to move adjournment.

In fairness to this side of the House, or any member who wishes to vote one way or another on that matter, it would seem to me they are entitled to rely upon at least our

interpretation, and that which has been conveyed to us by all three House leaders I think, with regard to the import of section 30(c).

For that reason, on Thursday afternoons particularly, members who might have certain things to say about it or wish to vote one way or another do not stay in the House. They go off to some of their committee duties.

In fairness to those members who may have wanted to participate in any vote, vocal or otherwise, this might be an appropriate point at which you, Mr. Speaker, might reflect upon section 30(c) for our guidance. If we are wrong in saying there is no option, then you might indicate that to us. Otherwise, in fairness to all those members who might otherwise have wanted to be here and participate, you ought to give us the opportunity to so do.

I would ask the other House leaders to assist in my interpretation of section 30(c). They were present when the interpretation was negotiated and agreed upon; I would ask them if they believe my interpretation is correct. I think it couldn't be clearer.

**Mr. Nixon:** Mr. Speaker, I can't argue with your interpretation of the rules. All I can say is that the sequence of events described by the acting House leader for the government side is correct. There was some difficulty that, on the basis of this rule, was put aside.

But I want to bring to your attention, sir, since I hope you will give it further consideration, that a report such as the one that was put before you by the vice-chairman of the public accounts committee, is of a nature that becomes useless if it is simply put on the shelf and left there. So for the good of the public business, I would hope your review of that rule differentiates between the kind of report which is a major recommendation to this House that does require plenty of notice so the House can take part in a formal debate; and the other type, which although it has substantive matter pertaining to it, is the sort of decision the House should be able to enter into without undue delay.

**Mr. Foulds:** Thank you, Mr. Speaker. I don't pretend to have your wisdom in interpreting the rules, but I would think your handling of the first matter was probably correct under the first sentence of the rule brought to our attention by the acting government House leader when it says, "may move the adoption of the report if it contains a substantive motion."



I would suggest the motion contained in the report of the vice-chairman of the public accounts committee was simply to confirm existing powers of that committee to call persons, papers and things. That was my understanding of the report. It was simply seeking that confirmation from the House. Therefore, the argument put by the Liberal House leader, I think, is a just one in the case of that report.

There's no use waiting for two or three weeks to schedule an evening debate on that kind of a report put to the House. However, other reports that have major applications in terms of policy or major implications in terms of legislation, I think justly follow, and should justly follow, the rule as interpreted by the government House leader. We would certainly support him in that.

**Mr. Kennedy:** Mr. Speaker, from my own point of view, when a report from a committee comes into the Legislature presumably only those members on that committee are familiar with the content. The chairman moves its adoption and we have no idea what it contains. I wasn't aware we would have a division, but I was under the impression that unless there was unanimous consent it wouldn't be adopted, it would be tabled in effect.

**Mrs. Campbell:** Forever.

**Mr. Kennedy:** It wouldn't necessarily be forever at all. It just seems logical to me that a committee shouldn't come in here with a report and move adoption when the majority of the members from all sides aren't familiar with the content. I interpret section 30(c) as does the acting House leader.

**Mr. Sterling:** I would just like to add that as a member of the procedural affairs committee, which was charged with the responsibility of looking at the standing orders, the interpretation as the acting government House leader has placed on this particular rule is certainly what I interpreted as the intent of that particular committee. The problem in determining whether or not a report is of a substantive nature or not, leaves the chairman who moves that particular motion in a pretty precarious position if in fact there is a substantive part in that report. It was my thought when we were discussing this particular rule amendment that it would be natural for the chairman to move adjournment, and the latter part of the rule is intended to make certain the report doesn't sit there forever.

**Mr. Hall:** I just want to explain to the House that I understand the reason for hav-

ing to present an interim report is only to provide the proper authority for the provincial auditor to analyse current monthly financial statements and the current budget of the Royal Ontario Museum. Up until the present time, the report we are dealing with was written in 1977-78. To advance it to give him legal authority to look at current material, we felt what we considered to be minor clearance by the House was necessary.

[3:45]

I reiterate that we are acting out of our concern for the public interest in the Royal Ontario Museum. In view of the press attention that has been placed on this matter, all parties represented in the committee this morning felt very much that the matter just could not be delayed. All we sought was proper clearance for the provincial auditor to act on the current year's financial statement to provide us with analysis and advice.

**Hon. Mr. Grossman:** Mr. Speaker, if I might respond: What has developed in the last few minutes is that the member has had an opportunity now to explain to a half-empty House the substance of his motion. It was precisely because of the concern—

**Mr. Foulds:** There are more members here than we usually have for debates on reports.

**Hon. Mr. Grossman:** —that motions passed by committee three or four hours ago were not even known to the vast majority of the assembly that the decision was taken by the House leaders that a motion should not be introduced and voted upon immediately without the opportunity for all the members of the House to have some knowledge of it. That was part of the motivation. It could be that this side of the House would support it.

I am not arguing the merits of the motion. What I am arguing quite sincerely is that the whole purpose of this was that at this stage in the proceedings the chairman of the committee would not have to rise and try to explain to the House that this was or was not a substantive motion. The purpose of this procedure was to allow the motions to go on the order paper, as can be seen particularly by reading subsections (a) and (b). As with everything else, it was to give members time for due consideration of the merits of a motion and then to enable it to be brought forward by the government House leader at a later date.

Having heard this, I understand the urgency. Presumably the system was set up so that the House leaders could respond to that urgency and urge the government House leader to bring it on at a short date. On the question under subsection (c) as to whether this is a



substantive motion, I might point out that that must be read in the context of (a) and (b). I don't want to get overly legalistic here, but I think this is an important point to clear up. Subsections (a) and (b) are written in to deal with the non-substantive motion procedure, which is that they are not voted on. Then subsection (c) is the subsection that's put in the rules to deal with those matters where there is a substantive motion involved.

That is the procedure and, I say with respect, the only procedure that can be followed in the matter of a substantive motion. It is presumed in (a) and (b)—and I think it is quite clear—that if it's a report not bearing substantive matters then it is not moved for adoption, it is presented to the House. The only other type we have deal with a substantive motion, and thereafter the procedure is only as outlined in subsection (c).

I say to the opposition House leaders, that I would hope that however we may decide to treat the report emanating out of public accounts this morning, surely they must agree that under no circumstances under this rule, which was negotiated just recently, in section 30 or anywhere under the rules, shall substantive or non-substantive reports from committees be voted upon immediately after presentation to the House.

I say to the opposition House leaders, and I say to you very clearly Mr. Speaker, that it's my clear understanding that under no portion of the rules was the motion put by the chairman of the committee for adoption to be voted on under the rules. It couldn't be voted on under the rules. He had only one option at that stage, that is to move the adjournment of the debate. I say to the opposition House leaders that I would hope they would agree with the spirit of what I'm saying. Even if they don't agree with the spirit, I would ask them if they can find in the rules anything which gives another option to the chairman of a committee rising in those circumstances.

**Mr. Speaker:** I appreciate the contribution made by all honourable members in assisting me in reaching a decision as to whether or not the right course of action was taken on the motions by the honourable member for Lincoln and the honourable member for St. George. In view of the comments made by the acting House leader of the governing party, the House leader of the Liberal Party and—I suppose he is—the deputy House leader of the New Democratic Party, find that their comments are very persuasive and perhaps I was hasty in accepting the motion from the member for Lincoln.

I would agree with the comments made by the member for Port Arthur in that, in the

case of the report presented by the member for Lincoln, I would not construe the contents of that report as being substantive, because they would not have needed any action by this House to do what they attempted to accomplish by bringing the report in.

Be that as it may, the comments made by everybody who has spoken, including the member for Carleton-Grenville, who was a member of the procedural affairs committee, were that indeed the intent of this amended standing order was to give the House an opportunity to review.

With the unanimous consent of the House I would revert back to the point where the member for Lincoln introduced his report and asked that the debate be adjourned, if that is the wish of the House.

**Mr. Nixon:** I appreciate your suggestion, Mr. Speaker. I would suggest further, with respect, that under the circumstances it might be better if we were to consider these reports on another day. Rather than ask the honourable member to revert to that situation now, when the House has taken an action and when actually there was a voice vote taken, I would suggest to you, sir, that if perhaps a day intervened during which the matter might be considered perhaps even further, that might be a course of action that would be more convenient for the members directly concerned to follow.

**Mr. Speaker:** Since it seems to be the consensus of all who have spoken that perhaps the chair acted unwisely, now is the time to correct it, rather than to let any period of time intervene by way of correcting it. I would have thought that everybody who is here now would be well aware of the circumstances surrounding the presentation of the report. As I recall, the member for Lincoln was a bit apprehensive as to whether he should move the adjournment of the debate or just allow the chair to put the motion. Unless somebody has a very good reason why we should postpone correcting it, I think we should take action right now.

#### STANDING PUBLIC ACCOUNTS COMMITTEE

**Mr. Hall:** Mr. Speaker, it was not a matter of apprehension with regard to the adjournment of the debate; it was a matter of our understanding of the rules. However, there was no objection made and the matter was adopted by the House.

I would ask that the assistant House leader, in referring to the spirit and the intent of what was put in the rule that is in debate, also try to understand the spirit and intent of



the committee's desire this morning merely to permit the provincial auditor to step beyond his current terms of reference, being 1977-78, and operating under the old Audit Act, which did not permit him to be the auditor for the Royal Ontario Museum, to enter into this and to give us guidance before this House adjourns. I can assure you it is considered to be a serious matter, and we are simply trying to act in the best spirit and interest of everybody who is involved in this matter.

I will now move the adjournment of the debate but, as I said before, I would appreciate the co-operation of the people involved in permitting this committee to do its work before the House adjourns for the summer.

**Mr. Peterson:** Mr. Speaker, I understand the difference of opinion on this rule, and I am not completely sure that you are wrong or indeed the government House leader is wrong. But it seems to me we still do have the option of changing a rule by unanimous consent, and in fact that is what we probably have in these circumstances.

When the House voted, with no objection, to adopt that particular report, it seems to me that *de facto* if not *de jure*, we waived this particular rule at this particular time.

**An hon. member:** There is not unanimous consent.

**Mr. Peterson:** I appeal to you, Mr. Speaker, on one other ground: That because time is so very much of the essence in this particular matter, and I think that has been eloquently expressed by my colleague from Lincoln, it may be a case, particularly since all of the government members on that committee voted with this. Where we could solve the substantive problem, if not the procedural problem, by getting unanimous consent reaffirmed, subsequent to our other voice vote in favour of passing, to dispense with the rule if in fact your judgement prevails and it is the rule, so that we can proceed immediately and forthwith on this issue.

I am not suggesting it is necessarily a case for a compromise, but it might be. It might be the case where communally, in the interests of everyone concerned, we can solve our collective problem without violating any of the rules of the House. I would like to appeal to you, Mr. Speaker, and to the acting government House leader on those grounds.

**Mr. Speaker:** The honourable member for London Centre is asking me to prevail upon the House for unanimous consent to allow the honourable member for Lincoln to move the adoption without adjourning the debate. Do we have such unanimous consent?

**Hon. Mr. Grossman:** Mr. Speaker, may I deal with the substance of what this report of the public accounts committee is all about? I would take it that the whole object of the exercise is to put the public accounts committee in a position to deal with certain matters next Thursday. Is that what it is all about?

May I suggest to the House that surely we can look after that problem before next Thursday by way of motions or some other mechanisms. There is obviously no resistance here to the substance of the motion. I think in fairness to most of the members of the assembly who have not heard what happened this morning, let alone read it, we should follow a normal procedure.

A motion can easily be introduced any time next week. Indeed, the government House leader could call for debate on that matter next Monday, Tuesday or Thursday—no, I guess not Thursday; but tomorrow morning, Monday or Tuesday. There is plenty of time before next Thursday and I don't foresee any problem. I think that would be a more regular way to follow this rather than debating it further through private members' hour this afternoon.

**Mr. Peterson:** May I respond to that point, Mr. Speaker?

**Mr. Speaker:** We could go on indefinitely with all of the nuances and everything else. The honourable member for Lincoln has graciously reconsidered, and he has moved the adjournment of the debate, so that is the question before the House. If you want to speak as to whether or not the debate should be adjourned—Do you want to speak to that particular point?

**Mr. Makarchuk:** Yes, I do.

**Mr. Speaker:** As to whether or not the debate should be adjourned?

**Mr. Makarchuk:** Yes.

**Mr. Speaker:** The honourable member for Brantford.

**Mr. Makarchuk:** Thank you, Mr. Speaker. It has been stressed quite eloquently here by members who were present at the public accounts committee that this is a matter of urgency. The time element is of some concern to the committee because it would involve examining books; it would involve getting the staff and so on to go to the books and bring the matter back to the committee before the House adjourns.

However, I want to point out that the option is open to the government House leader, if he is prepared, in agreement with the members of his party to accept the desire that the provincial auditor proceed with the



examination of the books, to introduce a routine motion exactly as was presented by the vice-chairman of the public accounts committee. I am sure the House would accept it and it would resolve the whole problem. If the House leader is prepared to do that I think it can be carried through right now.

**Mr. Speaker:** Shall the motion to adjourn the debate carry?

Motion agreed to.

**Mr. Foulds:** Mr. Speaker, I was on my feet.

**Mr. Speaker:** The vote was carried.

**Mr. Foulds:** I was on my feet to be recognized.

[4:00]

**Mr. Speaker:** How long do you want to go on with this, really?

**Mr. Makarchuk:** Until we resolve it.

**Mr. Foulds:** The rules of the House, as you well know—

**Mr. Speaker:** It's your time, go ahead.

**Mr. Foulds:** Thank you. I think that if the House leader of the government party would give a commitment to this House to introduce either later today or tomorrow the motion that he himself suggested he would have no difficulty whatsoever with the members on this side of the House. I would like that clear commitment from him; not Monday or Tuesday, but today or tomorrow, because I think the members of the committee have, as my colleague from Brantford indicated, spoken eloquently about the need for urgency.

**Mr. Peterson:** There are two points I want to respond to. One, the deputy House leader brings up the point, Mr. Speaker, that there are certain members who may want to speak on this particular matter but weren't apprised of it. It seems to me that's one of the risks of being a member of this Legislature. Frequently things happen that everyone isn't apprised to and one is seized nevertheless of the results of that particular transaction on the floor of this House.

Two, I'm very attracted to the suggestion of my colleagues from the New Democratic Party. I am sure that substantively the deputy House leader would have no objection from his party on this particular motion. If he could, in his wisdom, give us a commitment that it is to be brought up tomorrow so that we could proceed post haste I am sure that we can all retire on this principle and keep our virginity intact with respect to the principles of this House. If we could

have that assurance from the deputy House leader I would be delighted and we will proceed perfunctorily.

**Hon. Mr. Grossman:** I want to say that without consulting with my colleagues, as each of you has had an opportunity to do, then I wouldn't give that commitment. I do want to make it clear, though, that I am aware that the members of my party voted in favour of the motion this morning. I don't think it is fair to anyone in this assembly to try to blow this procedural matter into something it isn't.

There are the alternatives which I can assure members will be taken up. I will discuss the matter with my colleagues and with the House leaders tomorrow morning and we will have plenty of opportunity between now and next Thursday.

I might add that obviously the public accounts committee can choose to sit at as much length as possible to deal with this matter next Thursday, Friday or at other times in the event there is any difficulty between now and next Thursday.

I can't see the point of arguing this matter at this time when there is no problem. There is no problem, I want to say that. I have to, in fairness to my colleague the minister involved, who is not here and not even aware of what occurred this morning, give him the opportunity to at least—

**Mr. Foulds:** If he isn't, he should be.

**Hon. Mr. Grossman:** The member may say he should be, but he is not here and not even aware of the situation. I think he ought to have the benefit of at least consulting with the government House leader before we comment on it at all. That's all that we're asking.

I might say to the member for London Centre, with regard to his remarks, it is not any longer one of the risks of this House that matters may come up and blind-side one and be dealt with in the manner that we're talking about. The whole point of all the exercise that we've been through in the last little while in the procedural affairs committee and as the House leaders is to stop surprises. The Minister of Culture and Recreation doesn't even know what's happening this afternoon. The whole point of the exercise was to avoid surprises and I think that's the way we ought to handle it.

**Mr. Speaker:** The motion before the House, moved by the member for Lincoln, is for the adjournment of the debate.

**Mr. Makarchuk:** On a point of order—

**Mr. Speaker:** This is on the motion, I hope.



**Mr. Makarchuk:** No, I'm speaking on a point of order, Mr. Speaker. I think the point of order that I wish to stress here and bring to the attention of the deputy House leader is that it is not a matter for the public accounts committee to deal with the matter next Thursday; it is a matter of giving the auditor of this province, and nobody else, the authority to examine the books of the Royal Ontario Museum and report back in time before the House adjourns. That's all. It's so he can start working tomorrow morning. It does not require any opinion from the minister or anyone else. It's having the effect of blocking the effectiveness of this House.

Interjections.

On motion by Mr. Hall, the debate was adjourned.

**Mr. Speaker:** Order, order. The next question to be decided is a report presented on behalf of the members' services committee by the member for St. George.

#### STANDING MEMBERS' SERVICES COMMITTEE

**Mrs. Campbell:** Mr. Speaker, in view of the decision in the earlier matter I believe I am perfectly prepared at some stage to move the adjournment of the debate, but it is my understanding that at least I have the opportunity to speak briefly to the report.

Mr. Speaker, it came to our attention in the committee that it has been the custom of the library—I wonder if I could have some attention. It has been the practice of the library to seek from a commission, a commissioner or a chairman of a commission, not only the report of the commission but the backup material upon which the report is based, including transcripts. Some commissioners comply with the request, some do not. Thus the motion before the Speaker was simply to establish some procedure to regularize this matter, not for my benefit but for the benefit of the library and those whom the library will serve.

I really wouldn't have regarded that as a particularly substantive motion, but I would just like to make this observation. It seems to me that the work of this House is becoming more and more irrelevant, and it's partly because we seem to get into wrangles and it seems to be very difficult for committees to get their reports debated in this House.

I would hope that what has gone on here today would serve the government notice that the committees labour over their reports

in many cases—I'm not suggesting this one—and their reports are treated with contempt by the government in the ordering of business in this House. Perhaps when they're discussing rules they might discuss the purport of the business of this House.

On motion by Mrs. Campbell, the debate was adjourned.

### MOTION

#### COMMITTEE SUBSTITUTIONS

Hon. Mr. Grossman moved that the following substitutions be made: on the standing resources development committee, Mr. G. I. Miller for Mr. Bolan; on the standing members' services committee, Mr. Worton for Mr. Conway; on the select committee on Hydro affairs, Mr. Conway for Mr. Kerrio.

Motion agreed to.

### INTRODUCTION OF BILLS

#### REGIONAL MUNICIPALITIES AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 114, An Act to amend Certain Acts Respecting Regional Municipalities.

Motion agreed to.

#### MUNICIPAL AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 115, An Act to amend the Municipal Act.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, this bill is another act to amend the Municipal Act. It's been introduced separately from the bill I introduced the other day, and will proceed through the House separately, because it covers one particular topic which is of paramount importance at the present time to particularly one municipality, the city of Hamilton. For that reason I hope that this amending bill may be passed into law as quickly as possible.

The act is designed to provide sufficient flexibility to all municipalities that may have implemented a section 86 reassessment. It will permit them to phase in over a period of up to five years the effects of the reassessment according to various classes of property.

#### DISTRICT MUNICIPALITY OF MUSKOKA AMENDMENT ACT

Hon. Mr. Wells moved first reading of Bill 16, An Act to amend the District Municipality of Muskoka Act.

Motion agreed to.



**Hon. Mr. Wells:** This bill proposes to extend to the district municipality of Muskoka certain powers given to local municipalities and counties in the Municipal Amendment Act, 1978 (No. 3). In addition, the bill will increase the maximum rate of interest the district may charge the area municipalities for failure to pay its levy from one per cent to one and a quarter per cent per month.

The bill also removes the requirement that the district obtain Ontario Municipal Board approval of bylaws prohibiting or regulating access to controlled-access district roads. This will make the Muskoka act consistent with all other regional acts in this regard.

#### COUNTY OF OXFORD AMENDMENT ACT

**Hon. Mr. Wells** moved first reading of Bill 117, An Act to amend the County of Oxford Act, 1974.

Motion agreed to.

**Hon. Mr. Wells:** As the other regional acts have done, this bill also extends to the restructured county of Oxford certain powers given to local municipalities and counties in the Municipal Amendment Act, 1978 (No. 3). It also increases the maximum rate of interest the county may charge an area municipality for failure to pay its levy from one per cent to one and one-quarter per cent per month.

In addition, the bill will make it clear that the quorum for the council on official plan matters is the same as for all other county responsibilities.

Finally, at the request of the county, provision has been included in the bill to allow area municipalities in Oxford to acquire industrial lands, subject to the approval of the county council.

#### ROYAL ONTARIO MUSEUM AMENDMENT ACT

**Mr. Grande** moved first reading of Bill 118, An Act to amend the Royal Ontario Museum Act.

Motion agreed to.

**Mr. Grande:** The purpose of the bill is to reform the structure of the board of trustees for the Royal Ontario Museum. The board will continue to consist of 21 trustees, but the bill provides that eight of the trustees will be appointed by the Lieutenant Governor in Council, eight will be elected by members of the museum, and two will be elected by members of the museum's professional staff.

The bill also increases the number of trustees required to constitute a quorum and

provides the meeting of the board shall be open to the public. I hope that the—

**Mr. Speaker:** Order. All that is permitted on first reading is a very brief explanation of the purpose and the intent of the bill.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Grossman:** Before the orders of the day, I wish to table the answers to questions 113, 186, 291; and an interim answer to question 192 standing on the Notice Paper. (See appendix, page 2407.)

[4:15]

#### ORDERS OF THE DAY

##### PRIVATE MEMBERS' PUBLIC BUSINESS

##### WASTE DISPOSAL

**Mr. Kerr** moved resolution 18:

That in the opinion of this House the government of Ontario should consider taking immediate steps to reduce the amount of waste being disposed of in sanitary landfill dump sites; and furthermore, the government of Ontario should increase its assistance to municipalities and local government authorities in order to encourage the development and institution of alternative methods of waste disposal, maximizing the opportunities for reclamation, recycling and development of energy from waste.

**Mr. Speaker:** The honourable member has up to 20 minutes.

**Mr. Kerr:** Mr. Speaker, I was going to suggest that I use 15 minutes now and five minutes later, but in view of the late hour of the day I will continue and if I just take 15 minutes it means somebody else has more time.

This resolution deals with something that is of continuing concern to me, as it was when I was Minister of the Environment. There has been a great deal of research and study on this matter, and as a result private industry and government have been moving into the field of resource recovery with varying degrees of success. Certainly the government of Ontario has been in the forefront, not only with its own experimental plant in North York but also by helping research and pilot projects in the private sector and with programs to assist local governments to establish facilities that will reduce reliance on landfill sites.

However, the program has to be speeded up. It has to have a greater allocation of public funds and there has to be greater



incentive in the whole area of resource recovery.

I would also like to mention at this time that in presenting this resolution I am not necessarily taking a stand as far as any existing application before the Ontario Municipal Board or the Environmental Assessment Board is concerned. The resolution refers to the immediate future and long-term policy as to waste disposal, and by inference could include both industrial liquid waste and solid waste.

The first part of the resolution says: "... the government of Ontario should consider taking immediate steps to reduce the amount of waste being disposed of in sanitary landfill dump sites..." Most of the reasons for this are obvious. I am told that in searching for suitable sites engineers and consultants usually recommend prime agricultural land because of the topography and because such land minimizes leaching and possible contamination of water supplies. Prime agricultural land is not only valuable but it also attracts some development and rural clusters on its fringes, as well as a certain type of environment which can be disrupted by increased traffic noise. A certain amount of nuisance is bound to result from the establishment of the sanitary landfill site, regardless of how well the site is operated.

Recently we have seen the proliferation of various citizens' groups composed of people who live at or near a proposed site going to great lengths to oppose it, resulting in lengthy and costly hearings which could involve the OMB, the Environmental Assessment Board, local official plans and even the Ontario Land Compensation Board. In other words, the time and cost involved in establishing landfill sites, certainly in the future, will become comparable to other means of disposal, and therefore the great argument that resource recovery or some other method is just too expensive will lose its effect.

Another reason, in my opinion, is that the whole idea of burying garbage, or wasting waste, in light of its potential beneficial use goes against the grain. As members know, domestic waste can be used to generate steam, gas and solid fuel. Much of the waste can be recycled and reused, either in its original form or as a resource. It can create employment and establish a whole new industry.

What can be done to reduce the generation of waste, particularly domestic waste?

First of all, there have to be changes in our attitudes and habits. We live in a basically wasteful society in North America. Do-

mestic waste, for the most part, is created at home. There should be separation in the kitchen. We should be separating newspapers, glass containers and cans. We should be composting and we should be taking many waste products to recycling plants or feeding pick-ups at the curb. However, we have been talking about this for a long time and we have not been very successful. We have had studies and pilot projects, but there is no real incentive for people to pick out cans, take off labels, remove ends and crush them; or to clean empty bottles; all for reuse. It's a matter of attitude and conscience, but most people just don't seem to be interested. Take it from me, Mr. Speaker, as a loser in the great garbage gamble that I had with one Tony Barrett of Pollution Probe, I know. It cost me—and it cost me plenty—mainly because my colleagues did not believe in composting to the degree that I hoped they would. But I have forgiven them.

**Mr. Gaunt:** They are still not big on composting.

**Mr. Kerr:** I do not like to say it, but the leaders of the oppositions at that time also each cost me about \$40.

One incentive might be for those municipalities that have two garbage pickups a week, for example, to have just one pickup a week. Possibly there should be a limit to the amount of garbage per household and more returnable containers with a deposit. We might even consider a tax on cans. In any event, there has to be an incentive or a penalty to make it work.

The market value of waste products fluctuates and demand changes. The market is really unsure and not too dependable. I think it fair to say that most people are unconcerned as to what happens after pickup at the curb, except for those affected by landfill sites close to them. Therefore, garbage is not a great issue or a high priority with municipal politicians or local officials and new methods of disposal are difficult to establish.

**Mr. Lawlor:** Did that scheme in your riding work?

**Mr. Kerr:** No, it was a failure—and I tried.

**Mr. Lawlor:** Go for biomass.

**Mr. Kerr:** We require various steps and procedures for approval of landfill sites. Our policies and our legislation and our regulations regarding the creation of new sites have made it difficult for municipalities to make long-term plans for disposal by way of sanitary landfill sites—and rightly so. Therefore, it is up to us at the provincial level to



help create and promote alternative methods of disposal.

I disagree with the Robarts report, which implies that the province should assume full responsibility for solid waste disposal. We should, however, be involved in research, experimental plants, financial assistance and general programming and direction.

Since about 1965 the Ministry of the Environment has had a program whereby the government will assist municipalities in the building of transfer stations and front-end processing plants. Basically, the province pays 100 per cent of the capital cost of the plant and charges the municipality 50 per cent of the cost amortized over a 40-year period.

At the time this was introduced I felt, and I think most people in the ministry felt, that this was a reasonable arrangement and one that would be attractive to local governments. However, up until now it has not been. Maybe we will have to sweeten the pot and stop reallocating funds for other things.

In any event, the main responsibility for waste disposal should remain at the regional level, where a region or restructured municipality exists, as well as metropolitan areas, larger cities and possibly at the county level where no substantial urban centre exists. The province may have to become more involved in unorganized districts, but the problems there are not as great as in builtup areas.

We all know that the collection and disposal of domestic waste has always been a local responsibility and by its very nature should, for the most part, remain at that level, subject to what I have said. It is important, therefore, that any efforts to reduce waste must involve municipal governments and all of the people living within their boundaries.

In spite of the fact that garbage may not be a high-priority issue, municipalities have a responsibility to institute ways and means of reducing waste. They must be prepared to accept the fact that disposal will cost more in the future, regardless of the method used; therefore, why not use a method where there is some recovery and side benefits as well as provincial involvement?

There are a number of ways of disposing of waste other than by landfill. There is direct burning, direct burning with size reduction, pyrolysis and fuel preparation.

Direct burning usually involves small-scale package incinerators, which are commonly referred to as controlled-air incinerators.

These usually handle less than 100 tons per day.

Swaru in Hamilton is a good example of direct burning with size reduction.

Pyrolysis systems are largely in the development stage, although the Andco-Torrax system has been accepted commercially in four installations in Europe and Union Carbide are involved in this type of system.

Various designs have been developed to derive gaseous and liquid fuels from municipal refuse. The fuel preparation method includes two types, loosely termed dry and wet. The dry process uses shredding, with size reduction of raw refuse usually followed by magnetic removal of ferrous metals and some form of air classification to separate the particles into light and heavy fractions. The light fraction has come to be known as refuse derived fuel or RDF, and the fuel can be used in existing coal-fired boilers as a supplemental fuel in the cement kiln or as a complete or partial supply for new boilers designed for burning multiple fuels.

The "watts from waste" project, if that ever gets off the ground, is a demonstration project using RDF as a supplemental fuel in an existing boiler.

The recent announcement by the Ministry of Energy of the Toronto central heating plant using waste as fuel is an excellent idea, a good example of energy from waste. The energy recovered in that plant, for example, would be equivalent to 750,000 barrels of oil in one year, rather an important point these days.

There is no question that many of the alternate methods will cost more than landfill, but time is running out on the difference. The present state of technology makes it practical that we should be building more of these plants, and again we need municipal co-operation as well as to take a look at the extent of provincial financial involvement.

It has been suggested that the program should not only be speeded up but should be in three stages. The first stage will be the gradual replacement of disposal sites by transfer stations so that disposal operations in a particular area are concentrated in the few large sophisticated facilities. At those plants the proportion of readily separable and marketable materials, such as corrugated paper, bundled newsprint and ferrous metals will be removed for sale and the remainder shredded.

At the second stage, the provision of transfer stations and transportation networks should be completed throughout the province, which will enable the remainder of the front-end plants needed to be constructed. During



this stage, also, sufficient progress should be made in process technology and market development to enable work to begin on the installation of proven back-end recovery processes.

With the third stage, it will be possible to complete the program by installation of complete resource recovery processes serving 90 per cent of the population of the province and greatly reducing the need for a landfill of municipal waste.

I hesitate to set a date, but surely 1990 is not too early. The provision of front-end plants alone does not pretend to be a complete solution to municipal waste management problems; however, it is a necessary first step and a very substantial step towards the complete solution which is the goal of a comprehensive provincial program.

A proportion of the waste will be reclaimed for reuse immediately, and this, along with the processing of the remainder, will reduce landfill requirements, the cost of transportation and landfill, and very substantially reduce disposal problems even during the comparatively short time until further processing equipment for greater resource recovery can be introduced.

The technology is advanced enough to start building more plants. All we need now is desire and commitment.

**Mr. Gaunt:** I'm very pleased to participate in this particular debate. I certainly support this resolution; it's something that I and my party, indeed the opposition, have been talking about for a number of years. No one could argue with any item in the resolution and I was very interested to listen to the comments of my friend the member for Burlington-South. I sense that he has a greater commitment to recycling and reclamation now, in his reincarnation as a private member, than he had when he was a minister.

**Mr. Kerr:** I always did have.

[4:30]

**Mr. Gaunt:** All right, I accept that and I can therefore only assume that my friend had difficulty in getting his ideas accepted by his cabinet colleagues when he was Minister of the Environment a couple of years ago.

**Mr. Lawlor:** A good assumption.

**Mr. Gaunt:** In any event, I welcome the resolution. I think it's a good focus for a debate of this type. We have had it during consideration of the estimates of the Ministry of the Environment year after year and I think it's well to bring it into this forum too.

There's certainly a need to reduce the amount of waste being disposed of in sanitary landfill dump sites. There's certainly a need to increase the assistance to municipalities, and there's a need to encourage development and to maximize opportunities for reclamation and recycling.

There's no doubt in my mind, Mr. Speaker, that the existing provincial financing program for resource recovery projects is inadequate. Although the program provides the capital cost of construction—50 per cent is a grant and 50 per cent is a loan recoverable over 40 years—it has been really unsuccessful in drawing municipalities into this particular field. Municipalities are reluctant to proceed because the initial capital expenditure for these kinds of facilities is tremendously high.

The other ingredient is the fact that potential revenues will not justify the expenditures; and potential revenues are difficult to guarantee, given equipment and market uncertainties and so on for the recovered products. I want to touch on that a little later because I did make some suggestions back on November 28, 1977 during the consideration of the estimates as to how we might try and at least partially overcome that problem.

The Metropolitan Toronto area waste management study of 1976 concluded that the current financial incentive programs are too inflexible as they apply to municipal and private waste management facilities, and recommended that provincial funding programs for solid waste facilities become more flexible to permit a broader participation.

During the 1977 Ministry of the Environment estimates, the then minister, Mr. Kerr, said: "We will have to sweeten the pot"—and my friend repeated that quote today—"in some areas where there is a genuine problem in terms of financing the more modern type of disposal that should be used rather than landfill." I agree; and I agreed at that time. I reaffirm that agreement today. The fact of the matter is the pot has not been sweetened. I suggest that be done immediately, otherwise I don't think we are going to draw municipalities into these kinds of programs.

Last September a proposal to build a recycling plant to handle all of Peterborough's garbage was rejected because it was felt until markets for a recoverable product prove more stable, and unless further support is forthcoming from other levels of government, the proposal is uneconomical. Marketing problems for recovered materials must be solved as a top priority.



Back in 1977, during the estimates, I touched upon the benefits which could accrue from a provincial recycling marketing board system to co-ordinate the supply of reclaimed material and to seek customers. I suggested at the time that it could also promote and accelerate the program of building reclamation and recycling plants. I still feel that to be the case, and it's something worth investigating and implementing.

In the United States more than 20 cities in metropolitan areas have resource recovery plants now in operation, with another 10 plants in various stages of construction and 35 more in the planning stage. I had intended to review some of these, but obviously, I am not going to have time to do so. The new hydro pulper plant in Hempstead, New York, is a good example of how securing markets for the sale of power and salvaged materials has ensured the plant's future viability. The plant, which is North America's largest waste conversion plant, turns 2,000 tons of garbage a day into 250 million kilowatts of electricity a year, as well as yielding about 40,000 tons of ferrous scrap, 5,000 tons of aluminum scrap, and 23,000 tons of glass scrap a year, which the community can sell.

Contracts to sell half the plant's aluminum to Reynolds Metal and Aluminum Company of America, all of the glass to Glass Container Corporation and a 17½-year contract with the Long Island Lighting Company to buy the plant's steam output, to be fed into their electricity generators, mean that the Hempstead community will get \$4 a ton as its share of proceeds from the sale of these products.

Hempstead Sanitation Commissioner William Landman estimates that their net disposal costs, which had been running as high as \$18 to \$19 a ton, will drop to about \$11 a ton, a saving of more than \$5 million a year.

An interesting point in the construction of the Hempstead facility is that the need for a waste conversion plant became urgent when the town had run out of landfill areas. The passage of the US Resource Conservation and Recovery Act in 1976, requiring an end to "environmentally unsound" disposal of solid waste, led to the construction of the facility at a cost of \$73 million—these plants do not come cheaply, as the member pointed out—which will be operated by Black Clawson Company, a subsidiary of Parsons and Whittemore, a New York engineering firm which is planning the construction of another mammoth facility in Dade county, near Miami, to go into service in 1980, converting

18,000 tons of garbage a day into 500 million kilowatts of electricity a year, twice the size of the Hempstead plant.

I hesitate to encourage the ministry here to get into a mammoth program. It would be much better to go with a smaller pilot project type of operation, work out the bugs, and then move on to the next stage, rather than to get into tremendous cost and try to work out the bugs as we go along.

Let's talk for a moment about "watts from waste," which my friend from Burlington South mentioned. After years of a lot of publicity, and even more delay, it seems that this particular project is to be dropped—or at least re-examined, as it is put in a March 1979 Ministry of Energy press release. All of this, I understand, is due to the cost escalations and the technological problems that have been experienced.

The cost of the plant has escalated considerably over the past number of years while the wrinkles and the bugs have been worked out and while the negotiations went on between Metro and the Ministry of the Environment and Ontario Hydro. It started off at something like \$11 million, and now I believe the total is up around \$46 million, of which Metro would have to pay about \$30 million. The chairman of the works committee has made it clear that, under the severe financial restraints on Metro's capital funds, the municipality cannot absorb the increase of almost \$10 million which would be necessary to have the project proceed under the present cost-sharing formula. So that particular project is very much up in the air. It is to be hoped that it does go forward, but it seems at this point in time to be in some doubt.

There are a variety of processes available which are operating in many countries of the world. In October 1977—

**Mr. Deputy Speaker:** The honourable member's time has now expired.

**Mr. Gaunt:** Thank you very much, Mr. Speaker. I am sure the member knows of a number of these plants around the world; I was going to mention them and how they operate, but I am sure my friend is aware of them.

**Ms. Bryden:** Mr. Speaker, when I read the honourable member's resolution, I wondered whether perhaps he had been struck on the road to Damascus with a sudden revelation, because we will recall that he had the honour of being our first Minister of the Environment in 1971 and served in that portfolio again for a period from October 1975 to January 1978. He could have



put these policies which he advocates into effect during those two terms of office.

In fact, if he had put them into effect, we might not be faced with the hearings now going on regarding the proposed landfill site at Glanbrook, intended to serve the Hamilton region. These hearings are being very hotly contested. The site involves the use of agricultural land which is needed for agricultural purposes. There is considerable controversy surrounding this and considerable concern by the farmers located nearby as to whether or not leachates from the landfill might interfere with their farming operations. If the minister had been able to put in the kind of resource recovery and waste reduction programs he talked about, we might not have that application being heard at the present time.

Presumably the minister did not implement his policies when he had the portfolio because he could not persuade his colleagues in the cabinet to take such action. I would like to ask, what makes him think the cabinet is any more ready to take action now? If the government members do vote for this motherhood resolution, will we get any more action than we have in the past, because there is nothing to prevent them from acting right now. I suggest that if the member really wants action in this field, he should have the courage to cross the floor of the House and join the NDP which has been advocating these policies for many years.

**Mr. Gaunt:** He would feel more at home with the Liberals.

**Ms. Bryden:** It would require courage to cross the floor.

**Mr. Sterling:** Where were you when the pop can tax came up?

**Ms. Bryden:** The honourable member has demonstrated that he did not lack courage when he swam in polluted Hamilton Bay.

**Mr. Kerr:** It isn't polluted.

**Ms. Bryden:** Mr. Speaker, if one wants to be technical, one could argue that this resolution is out of order because it advocates the spending of money. That, of course, presumes the words "assistance to local government authorities" mean something more than good advice. Perhaps this ambiguity is what the government will use to explain any inaction if government members do support the resolution.

**Hon. Mr. Parrott:** The honourable member cannot use all her time without being constructive.

**Mr. Kerr:** The honourable member better be constructive in the last three minutes.

**Ms. Bryden:** The resolution has two parts: first, that the government take steps to reduce

the amount of waste going into landfill; second, that the government increase its assistance to local governments to find alternative methods of waste disposal.

**Mr. Kerr:** Does the honourable member separate the waste in her kitchen?

**Ms. Bryden:** Yes, I do. I separate my waste in the kitchen and take it to the recycling plants in Toronto. But I do not think there is any increase in the amount of money being given to that Toronto program to set up depots to receive that waste, which is something the government should be doing.

**Hon. Mr. Parrott:** What about the polluter pays principle?

**Ms. Bryden:** I notice that in his motion the member is still passing the buck to the municipalities to take action. Yet this government keeps cutting back the resources of municipalities by refusing to give them a formula for a fair sharing of revenues. It seems to me that to pass the buck to the municipalities means further inaction, even if the pot is sweetened, as the member is proposing.

The government must assume responsibility for this growing problem.

**Hon. Mr. Parrott:** What about the polluter pays principle?

**Ms. Bryden:** I am coming to that.

The problem is becoming very acute, both for solid waste and for liquid industrial waste, as was pointed out by the resources development committee last fall. We are at a crisis stage, with landfill sites rapidly being filled up and no place for liquid industrial wastes to go, particularly hazardous wastes.

[4:45]

I find little encouragement in the government's actions on the question of reducing the amount of waste going into landfill. For example, the Minister of Consumer and Commercial Relations, who is in charge of the Liquor Control Board of Ontario, has backed away from the recommendation of the government's own Waste Management Advisory Board, that liquor bottles be collected for recycling. Nor is there any place to collect soft-drink cans for recycling, even though the minister's policy on soft-drink containers is to allow up to 25 per cent to be sold in nonreturnable containers. Either nonreturnables should be banned completely or, if any are permitted in certain applications, they must be got back into the recycling stream and not allowed to litter our highways and our beaches. This applies to all kinds of cans and bottles, not just soft-drink containers.



Reduction of waste also involves more public education. But what do we find in the Ministry of the Environment's estimates for this year? The amount for public education is down by \$79,000. What is the minister doing to encourage more householders to use compost heaps for their kitchen garbage? I myself operate a compost heap and find that it produces very valuable soil for the garden. But what sort of grants is the minister giving to organizations promoting this sort of activity, such as the Is Five Foundation, a pioneering recycling group, or the Recycling Foundation of Ontario, which asked for a grant last year but has not, I believe, received one. How many new recycling depots have been established across the province in the past year? Those are the sorts of things we are looking at to see whether the government really is interested in reducing solid waste.

An even bigger step could be taken in reducing waste if the government would take on the packaging industry. Some states in the United States impose a tax on the creators of waste in proportion to their sales and to the amount of solid waste they generate and the cost of disposing of that waste. That could create a powerful incentive for manufacturers and distributors to cut down wasteful packaging, but the member does not appear to have considered that—at least it is not in his resolution—and the government has not responded to suggestions I have made in the past for such a tax.

We all recognize that recycling plants are the principal answer for the residual solid wastes which cannot be eliminated by redesign of processes, by elimination of unnecessary packaging and by reuse of materials. But after eight years with a Ministry of the Environment we are only at the pilot plant stage for a solid-waste recycling plant. We are still considering only the feasibility of a "watts from waste" program for a hydro generating station. And the previous formula—which was awkward—to encourage municipalities to get into the field of resource recovery has not worked; the member admits that, and it is high time we had a new formula. If the members on the other side of the House vote for this resolution, I will expect an immediate announcement of a new formula which may stimulate more "watts from waste" and resource recovery plants.

I also hope we will see much more action on the disposal of liquid industrial wastes, which is a problem that has still not been answered. The committee last fall produced 27 recommendations. Not more than a dozen

have been partially and tentatively implemented. There are still many more, indicating that until we take some action here we are going to have liquid industrial wastes going into landfill sites.

**Mr. Deputy Speaker:** The honourable member's time has now expired.

**Ms. Bryden:** Thank you; I will just conclude with one sentence.

The government has set a date of December 31, 1979, for keeping liquid industrial wastes out of landfill sites, but it has no alternatives.

**Hon. Mr. Drea:** On a point of privilege: I don't want to cut into the private members' time, but I think it is incumbent upon me to set the record straight.

The last speaker made allegations that I have backed away from the recovery of bottles in the operations of the Liquor Control Board of Ontario. She knows better than that. That's factually incorrect. It's a matter of record that the Minister of the Environment, the Liquor Control Board of Ontario and I are extremely close to a solution for the recovery, recycling, or whatever you want to call it, of bottles and other glass containers sold in liquor stores. That's a matter of record.

**Mr. Sterling:** Mr. Speaker, I am very pleased to participate in this debate this afternoon. This topic is of extreme importance to our future in this province and I congratulate the former Minister of the Environment for bringing it forward.

I remember one of the first topics brought up in a caucus meeting in which I participated was related to the pop can tax. I thought it was a very fine idea, but unfortunately neither the government side nor the opposition saw fit to support that particular tax. That was one of the first discouragements I received as an MPP in this Legislature. I thought it was time to bite the bullet and recognize that we can't continue as a consumer society; we must face the escalating amounts of waste each of us is producing.

As a government, we must recognize that all levels of government, as well as the private sector, have an important role to play in this very important matter.

Second, we must understand how resource recovery programs interrelate with other essential aspects of government activity, such as pollution control.

Third, as a provincial government we must continue to ensure careful co-ordination between ministries. Not only must we put our own resources to work most efficiently, we



must also ensure that all potential avenues of resource recovery are explored through a clear delineation of the ministers' separate responsibilities.

While the main thrust of my remarks will relate to the activities of our Minister of Energy, I would like to touch briefly on some of the responsibilities of the Ministry of the Environment because together, these ministries are making considerable progress towards the eventual recovery and use of untapped energy and material resources in Ontario.

These may take the form of municipal solid waste, farm and forest waste or heat byproducts from Ontario Hydro generating stations and industrial plant processes.

Generally, the Ministry of the Environment has special responsibility for the management of municipal waste and improved methods of treatment and disposal which include the recovery of both materials and energy. The Ministry of the Environment is also concerned with reducing the quality of waste produced and in developing techniques for the recovery of materials separated at source.

I could list a catalogue of projects at various stages of completion or study at this point, but I would rather talk about one example of the kind of effective work now going on.

One of the things happening at the experimental resource recovery plant in Downsview is that paper and plastic film are being separated from other waste materials because of their high capability for producing British thermal units, or energy. The Ministry of the Environment is taking that material, bundling it up and transporting it to Woodstock where Canada Cement Lafarge Limited has one of its operations.

At present this company is filling approximately 10 per cent of its fuel or energy needs using these particular types of waste material. It is hoped this will increase to approximately 40 or 50 per cent of the firm's energy needs and that is hoped to happen sometime in the future.

One of the things we have tried to exemplify in the past—and I think there is room for us to improve—is that our government is determined to proceed with resource recovery as a high priority. But we are also determined that we're not going to create new problems when we solve the old problems.

I would like now to move to the role of the Ministry of Energy on this topic. This ministry is basically concerned with the energy from waste projects which relate to farm and forest waste and byproduct heat

from the Ontario Hydro generating stations and industrial heat processes. Projects with a potential for commercial viability will also be the Ministry of Energy's responsibility. This should enable us to continue to expand the activity and prove the commercial viability of various projects across the province.

As an aside, I mentioned earlier that this whole resource recovery field involves three levels of government. In this regard, during the last election campaign the then Minister of Energy had alluded to a \$58 million Canada-Ontario bilateral agreement that was to be signed for conservation and renewable energy technology development and demonstration. It is hoped this will come forward and aid in the thrust of this resolution.

Returning to the Ministry of Energy, I should mention that a set of criteria has been carefully created on which to base decisions as to whether or not the Ministry of Energy should provide assistance to a project. Appropriately enough, the first criterion is security of supply. Is there enough waste to make a certain project viable?

Second, there must exist a potential for using technology that has already proven itself. There must also be a secure market for the energy produced. In other words, if we produce energy, we must have a place to use it. Other criteria examine the viability of the operation, or the energy operation as a whole.

As with the case of the environment projects, I could list another series the Ministry of Energy is involved in but I thought I would review a project which might exemplify the process the Ministry of Energy goes through.

North Bay's municipal refuse is a problem from several perspectives. First, it occupies space. Secondly, contaminated water was found to be seeping from the site, and third, it was attracting sea-gulls that posed a safety hazard to an adjacent airport.

Fourth, the refuse was going to waste. When the city turned to our government for help we understood, on the basis of an early examination of options, that an energy recovery plant might be viable. We also know now that a local company, called Nordfibre, was interested in participating actively in a resource recovery project. What we have here are two levels of government teaming up with the private sector to turn garbage, sewage sludge and wood waste from local industry into energy. That energy would produce the majority of steam in the company's plant while lowering the company's consumption of natural gas into the bargain.



In all honesty, it is doubtful that such a scheme would ever have fallen together without the intervention of an interested government. When I say "interested" I mean a government that is prepared to spend some money to obtain results. In this case, the Ministry of Energy contributed 50 per cent of the cost of the necessary engineering study; the municipality will pay 30 per cent and Nordfibre, the company that would eventually reap some of the benefits from this project, 20 per cent. The Ministry of the Environment in North Bay will also be involved in an active way in dealing with this report.

[5:00]

As the example I have related clearly indicates, neither our government nor any government can go it alone. Resource recovery demands that we act as a team and that we put aside non-productive inquiries into why this delay occurred 10 years ago or why that company wasn't doing more. Our government is now achieving solid results today because of a positive spirit of co-operation and a sober recognition of certain realities. I don't think any of us could kid ourselves about the real problem with municipal solid waste. It is not going to disappear even with more recycling plants and more money being put into these programs. We are still going to need landfill sites.

**Mr. Deputy Speaker:** The honourable member's time has now expired.

**Mr. Sterling:** Thank you very much, Mr. Speaker. I support this resolution.

**Mr. Deputy Speaker:** The member for Grey for up to two minutes.

**Mr. McKessock:** Mr. Speaker, I'm sorry but I wanted 10 minutes on this topic because it is one that is very close to me as Owen Sound tries to establish a landfill site in my riding. The member mentioned that municipal co-operation was needed here. I would like to say that the present procedure for a municipality to follow to dispose of its garbage makes this very difficult. In fact, I think we need more co-operation from the government.

In one hand I have here the environmental approval from the environmental approvals branch of the ministry for the site in Sydenham township. In the other hand I have a letter from the minister saying that we can have up to 50 per cent funding for incineration if the energy is recovered and used to heat a building, a hospital, factory or whatever. On the one hand, I have an approval for a landfill site, which Sydenham will not accept and which will now go to the Ontario Municipal Board. On the other hand I have a letter from the minister approving 50 per

cent of the cost of incineration if the heat generated is used. We have a landfill site approval for the city wanting landfill and we have 50 per cent funding to help Sydenham township which opposes the site for good reason.

We need from the Ministry of Energy something that will tip the scales in favour of incineration and reclamation. Maybe the Ontario waste disposal and reclamation committee suggested by the member for Windsor-Walkerville over these last several years in private members' bills would make a good start.

**Mr. B. Newman:** Since 1972.

**Mr. McKessock:** We need a commitment that landfill for solid waste would be phased out over, say, seven years and help to municipalities to find—

**Mr. Deputy Chairman:** The honourable member's time has now expired.

**Mr. McKessock:** I want to congratulate the member for bringing this bill forward. I hope he continues to push the government into action in this regard.

**Mr. Deputy Speaker:** That completes the allotted time for that order of business.

#### SPEAKER'S RULING

**Mr. Deputy Speaker:** Just before the next order, I would like to place this ruling on record. Last Thursday the member for Scarborough-Ellesmere (Mr. Warner) asked me to consider the provisions of standing order 64(e)(ii) concerning a recording of the names of members objecting to the placing of questions in the event that fewer than 20 members should rise.

I have reviewed the standing order and the member's comments. Two distinct actions must take place. First, the clerks will determine if 20 members are standing and, if 20 members are standing, their names will then be recorded. My interpretation of the standing order is that if 20 members are not standing, the names of any members who object shall not be recorded and the Chair will proceed to place the question, as it is authorized to do by standing order 64.

I hope this will be of assistance to the honourable member.

#### ONTARIO WINE TAX

**Mr. Hall moved resolution 17:**

That, in the opinion of this House, the government should follow a policy of minimum tax and markup on Ontario wines made from Ontario-grown grapes to encourage a



stable economy for the grape-growing industry in order to preserve unique agricultural lands.

**Mr. Deputy Speaker:** The member for Lincoln for up to 20 minutes.

**Mr. Hall:** Mr. Speaker, it is a pleasure for me to speak on behalf of an important industry in the Niagara Peninsula—agriculture. A great lyric poet named Alcaeus once said, and I quote: "Wine, dear boy, and truth." Today I want to outline some truths concerning wine and the grape-growing industry in Niagara.

The Niagara Peninsula, our internationally renowned tender fruit land, has been frozen for agricultural purposes, as it is recognized that these lands are unique in Canada and can provide continuing benefits to Canada in the years ahead. Although these lands were frozen, no corresponding policy has been adopted to ensure the operation of these lands for agricultural purposes will prove a paying proposition for the farmers or fruit growers concerned.

The tender fruit industry, consisting of producers of peaches, cherries, pears and plums, has been fighting to survive for years. Imported fruits from countries where the sun shines longer, where wage rates and employee benefits are low or non-existent, are bought by the Canadian consumer, either fresh or processed, because they are attractively priced and available at different seasons.

Canadian growers have scant protection through tariff or non-tariff barriers. With a perishable crop, the grower must take what he is offered at the fresh market or truck it to a cannery. Only certain varieties of various fruits are suitable for canning and, at any rate, the number of canning plants is dwindling rapidly because such plants are unprofitable or unable to meet modern environmental standards.

Cold weather this past winter killed one third of certain varieties of peach trees. That means five years are needed to replace a tree and start to get a yield from it.

A shortage of Canadians willing to work or trained to work in fruit orchards has made it increasingly necessary to depend on off-shore labour from the Caribbean.

Faced with these and many more difficulties, Ontario's prime tender fruit growing lands are placing increasing reliance on vineyards for their economic survival. The majority of fruit farmers not only grow different types and varieties of fruits but also grow grapes and it has been a steady expansion of the vineyards, brought about through the

resourcefulness and far-sightedness of the grape growers and wineries, that has provided the stability to maintain and sustain our tender fruit lands.

Grapes lend themselves to mechanization and a grower can look after many acres. Modern weed sprayers and grape harvesters, approximately 85 per cent of the crop being machine harvested, have solved the cultivation and harvesting problems. Pruning is done during the winter months, tying in April and thinning in June. Much of this work can be done by housewives and students with no offshore labour being needed, so we can compete because of mechanization.

In terms of acreage and crop value, grapes are the largest single crop in the peninsula. Approximately 80 per cent of Canada's grape supply comes from this area, from 25,000 acres, with only the Okanagan Valley in BC providing any other significant commercial production to this time.

**Mr. Watson:** Have you heard about southwestern Ontario?

**Mr. Hall:** They have about 250 tons a year.

Wine is the primary end use for the grapes grown in the peninsula, with winery purchases accounting for roughly two thirds of the annual crop. Thus, ensuring a healthy and growing market for Ontario wine is essential to the land-use policy to which the present government says it is firmly committed.

The Wine Council of Ontario states that Ontario wineries and grape growers have invested \$185 million in an industry employing 18,395 Ontario residents. Its brief says Ontario wineries and growers purchased over \$38 million annually in goods and services, including \$14 million in glass and cartons. Annual salaries and wages for full-time and part-time employees are more than \$26 million. Property taxes from wineries and vineyards are \$4 million annually. Income for grape growers is \$13 million, with more than half attributed to wine production from grapes.

These items add up to \$81 million annually. Purchases, wages, et cetera for grape juices and je'llies would add importantly to this total. In Ontario a grower gets about \$265 from a ton of grapes, on average. After adding taxes paid to governments, excluding corporate income taxes and property taxes, that ton of grapes is calculated to deliver \$1,439 in taxes, on average.

The competition for the Ontario market is tough. Under current policies of the Liquor Control Board of Ontario, foreign produced wines enjoy almost double the listing expo-



sure of Ontario-produced wines. In 1960, the LCBO listed 162 Canadian wines and 161 foreign wines. In 1978, Ontario wine listings totalled 400 and foreign wine listings in excess of 700.

During the past years, the growth of foreign wines has exceeded the growth of Ontario wines by a ratio of nine to one. In 1960, Ontario wines sales were 2.8 million gallons. In 1978, those sales had grown to 6.6 million gallons of Ontario wine. On the other hand, in 1960, foreign wine purchases were merely 474,000 gallons. In 1978, foreign wine purchases had reached 6.3 million gallons—and foreign wine consumption is growing at a rate of 13 per cent annually.

I do not suggest a higher mark-up on imported wines, as I have no wish to discourage our citizens and visitors from selecting the wines of their choice. But it should be clearly understood that foreign wines have access to a world-wide market and a well-protected home market. The following quotation is from a 1978 issue of *Foreign Agriculture*. The article, written by Mr. Richard Schroeter and Omero Sabatini, concerns the European Economic Community common agricultural policy, known as CAP. I want to quote directly from this article:

"Although the specifics of CAP vary from one product to another, the program is essentially a complex, comprehensive system of price supports, minimum import prices, stockpiling and export subsidies, all designed to keep internal farm prices high by insulating them from foreign competition. Minimum import prices mean a restriction on low-priced imports and apply to grain, rice, dairy products, beef, wines, certain fresh fruit, vegetables and tomato concentrates."

That is how they protect agriculture in the European Economic Community. This supports the long-held opinion that many of the foreign wines purchased by the liquor control board are subsidized in one form or another by the foreign countries. As a matter of fact, the substantial tariffs on imports into the European Economic Community have been a major factor in Andres Wines establishing English production facilities.

The Minister of Consumer and Commercial Relations knows the practice in foreign countries and was recently quoted in *Quest* magazine as saying: "All countries protect their own wine, and our Ontario wineries are very highly protected. The reason for this is that they consume Ontario grapes, the key to continued agricultural use of the

Niagara Peninsula, and this is not going to change. The peninsula will not be asphalted."

As it stands, our grape-growing industry of 1,000 growers has proven a great supporter of government revenues. The 1978 crop is likely to supply more than \$100 million for provincial and federal purposes, according to the Ontario Grape Growers' Marketing Board. A reduction in mark-up would not necessarily mean a reduction in government incomes, because volumes would increase. If one does not think price is important, consider the fact that, in 1975, 130,000 tons of California grapes were imported into Canada for home wine making—more than Ontario's whole crop of 80,000 tons in a good year and on this the LCBO got nothing.

[5:15]

I am quite certain that the uneven quality produced at low cost, including the basement vintage made by some of the illustrious members of this Legislature, does not measure up to the new wines and champagnes being produced by our wineries, which have made outstanding strides in the past 15 years. Some of them are available in the members' dining room and are well received.

Mr. Speaker, it's about time to recognize the status and benefits the people of Ontario, in particular, receive from our wine growing industry. A long-term commitment along the lines of this resolution or a further reduction in the mark-ups would result in immediate planning for increased plantings of vineyards, commitments for processing, ageing and bottling equipment and the development of broader marketing policies for a product completely grown in Ontario.

Ontario growers and wineries have been going through a period of transition for several years as an affluent society increased table wine consumption. Vinifera and hybrid plantings, new to Canada, have been developed over many years, but it takes approximately five years to get yield off new planting and the matter is complicated by the problem of guessing what the consumer will want to purchase.

Research and development investment by wineries has been substantial. Some 45 varieties of grapes are being grown, including native *Labrusca* strains, American and French hybrids, and European vinifera grapes. In 1978, hybrid and vinifera production reached 22,000 tons and more will be coming to maturity from now on. These produced the lighter, drier table wines.



The grower could benefit from more generous tile drain loans than the province is making available. It is also suggested that the Foodland Ontario designation could be applied to Ontario wines from Ontario grapes because of the important contribution they make to agriculture, now and in the future.

If unique land preservation is a goal, we will greatly help the tender fruit industry by supporting the grape and wine industry and if future world food shortages develop, we would still have our fruit and grape lands for basic foodstuffs such as vegetables, corn and winter wheat.

More than 100 years ago, a man named Ernest Dowson said: "They are not long, the days of wine and roses. Out of the misty dream our path emerges for a while, then closes within a dream." Mr. Speaker, this well-intentioned path, the dream of protecting our unique lands, still has a chance, but the future is misty and unless we resolve now to protect our farmers and the grape and wine industry, the dream will fade, will be lost to us and so will the land.

**Mr. Swart:** The member for Lincoln stated, the purpose of the motion before us is to protect the Ontario grape-growing industry, which is largely in Niagara. It is a major industry and therefore I am going to speak in support of the principle of the resolution before us. There is some \$16 million in revenue at the farm gate from the grape-growing industry. In fact, I guess it's closer to \$20 million when we consider the grapes sold locally and the grapes sold for grape juice.

I support this resolution in principle, too, because it speaks to a very important philosophy of this party and a very real concern we have at the present time that we must move towards import replacements in all fields of our economy. This is one area where we can accomplish exactly that. The amount paid out for foreign wines is something in the neighbourhood of \$150 million a year in this nation. If even half of that were switched to Ontario wine, to domestic production in this province and in this country, it would make a substantial impact on our deficit in foreign trade.

I want to make it clear that while I am speaking in support of the grape industry, I am not really promoting greater consumption of wine generally and certainly not of alcoholic beverages. I think our province and our nation would be in much better shape if far less alcoholic beverages were consumed. It is injurious certainly to individuals. The degree of consumption of alcoholic beverages is costly and injurious to our society. I think

it is at least as harmful in society as cigarette smoking and that is generally accepted at the present time.

Fortunately, all of our grape production is not going into wine. As a matter of fact, there is a growing percentage of it going into grape juice. Some of the people in this House, apart from myself and the member for Lincoln, may have had the opportunity to visit the Wiley farm near St. Catharines in the Niagara Peninsula where they have started a grape juice business on a 370-acre farm and are making a very real success out of it.

I am really supporting this because while people drink and while they are going to continue to drink the policy should be to maximize Ontario consumption vis-à-vis imports. Although I support the resolution, I want to point out that it is somewhat vague and incomplete. I would like to have seen perhaps a general policy at least—and this couldn't be in the resolution, I grant—in spite of what the minister may say of more openness and less arbitrariness in the operations of the Liquor Control Board of Ontario. I suggest to him that he can't read that article in this morning's *Globe and Mail* and many articles previously without drawing the conclusion that it is an arbitrary body.

In this resolution the mover makes the comment made that he wants to do this in order to preserve the unique agricultural land. I have to say I was quite amazed to hear the member for Lincoln say that the agricultural land there is frozen. Of course that is not the case at all; in fact, I would like him to tell us under what legislation it is frozen. Is it under the regional plan of Niagara? Is it under local municipal plans? Is it action taken by the provincial government? Of course, there is no freeze there at all.

**Mr. Hall:** There are 78 appeals to the municipal board to the urban area boundaries and the regional official plan.

**Mr. Swart:** The facts are that there is not a single major development, whether it has been industrial, commercial or residential, that has even been deterred since they passed the legislation in the region back in 1973, in which they said they were going to preserve the fruit and grape land for agricultural use. The member for Lincoln knows very well that even now there is a request from Niagara-on-the-Lake to expand an industrial area on the east of St. Catharines which has existed there for a decade or more. Only a small amount of it has been used. There are 500 acres of it there now and they are going to increase that to 1,080 acres. According to the growth of industry in the Niagara Peninsula over the last 20 years, that will be enough to last at



least to the end of this century just in that one little place. That will go through regional council. It may not get through the Ontario Municipal Board with a bit of luck, but it will certainly get through the regional council.

This resolution assuring that there is going to be viability to the grape growers will have a beneficial effect on preserving the prime agricultural land, but it won't preserve it all unless the government takes the parallel measure of having adequate land-use legislation. I am sure the member for Lincoln knows enough about grape growing and about land around St. Catharines that was selling for \$25,000 an acre two years ago for development purposes to know that in no way can one buy land at \$25,000 an acre and grow grapes, even if we got through these good policies that would preserve that land.

But there must be a viability to the farmers. We must, in one way or another, assure them there is going to be a market for their produce.

I agree entirely with the member for Lincoln when he says Ontario wines are good. Certainly we could quote many tests that have been made in France and elsewhere. Anyone who knows anything about the Inniskillin wines knows they are tops, not only in this nation but throughout the world. Ontario wine now is just as good as any wine produced anywhere in the world.

I want to say the liquor control board has not, through its mark-up policy, really encouraged the use of Ontario wine.

**Hon. Mr. Drea:** Nonsense.

**Mr. Swart:** That is true. This year the mark-up on sparkling wine dropped, it is true, from 75 per cent to 70 per cent.

**Hon. Mr. Drea:** That is wrong.

**Mr. Swart:** Dessert wine was marked up from 70 per cent to 75 per cent. All others went up from 47 per cent to 58 per cent.

**Hon. Mr. Drea:** The member's figures are wrong.

**Mr. Swart:** That meant, on average, there was a greater mark-up on Ontario wines, but there was no change made on the mark-up on the foreign wines.

**Hon. Mr. Drea:** The member does not know what he is talking about.

**Mr. Swart:** The Grape Growers' Marketing Board, the wine institute, estimated if that increase in mark-up had been from 47 per cent to 50 per cent, instead of 58 per cent, it would have generated enough revenue—this is in their publication, this is what they tell us—

**Hon. Mr. Drea:** I meet with them. The member better be prepared because that isn't right and he knows it.

**Mr. Swart:** I am prepared. I have consulted with them too. They said if the increase in mark-up had been from 47 to 50 per cent it would have been enough to offset the reduction in the sparkling wine.

**Hon. Mr. Drea:** They don't even talk to you. That has nothing to do with it.

**Mr. Swart:** I would be in agreement with the minister that there was merit in reducing the mark-up on sparkling wine so there would be more consumption of it, with its lower alcohol content, and less consumption of wine with higher alcohol content. But he didn't follow through to do the same sort of thing on the wines we import. In fact, by the measures taken this last spring the Ontario producers were put at a greater disadvantage compared to the foreign producers of wine.

**Hon. Mr. Drea:** The member is going to regret ever uttering those words. That could be the end of his seat.

**Mr. Swart:** The pattern of increase for the last two years—and that includes the most recent increases—shows that the foreign wines have gone up something like 30 per cent in retail cost.

**Mr. Acting Speaker:** The honourable member's time has expired.

**Mr. Swart:** Thank you, Mr. Speaker. I will just conclude with one sentence. In Ontario they have gone up 25 to 30 per cent, in spite of the differential in the value of the dollar. There is something wrong there and I would hope the minister would comment on it when he rises to speak.

**Mr. Acting Speaker:** The member for Lincoln had six minutes left. Does he wish to use a part thereof?

**Mr. Hall:** No.

**Hon. Mr. Drea:** Mr. Speaker, I am not going to devote too much time to that slipped-deck rendition of what is going on in the wine industry. I want to be on a much more positive note.

I would draw my friend's attention to the fact that I am going to send this Hansard out to the grape growers. He may long regret some of those words.

The fact of the matter: In every area where the mark-up changed, the grape growers—not the wineries, the member does not know which side he is on—the grape growers, while they might have preferred something else, agree that it was in the best long-term interest of their industry.



There are certain reasons why some of those mark-ups were changed. It will become abundantly clear in the next few months as to why that was done and its significance in terms of cash, increased vineyards, more production that will accrue.

[5:30]

One of the reasons for the change in mark-up was a social policy; sparkling wine or pop wine, or seven per cent wine should have never been at that point. The reason it was at that level was that at the time the grape growers wanted it there because it only uses half as much grapes as does table wine. I'm sure the farm expert from Welland-Thorold is aware of the history of that particular mark-up.

They now want it changed because of two reasons; first, the social responsibility. You really can't have seven per cent wine priced at the same price as 18 per cent. Second, the tremendous increase in the popularity of pop wines, both here and abroad and in the province of Quebec, which uses Ontario concentrates, has produced a significant market for grapes.

The real reason for raising the mark-up was to ensure that the wineries would be in a position to sell outside of the Liquor Control Board of Ontario because, you see, when they sell outside of the LCBO they keep the entire mark-up. The wineries profit from that increased mark-up, not just in their own stores but in the more than 100 kiosks and supermarkets that have been licensed by this minister since last October. They keep all of that.

That is leading to new capitalization in table wine. It is also leading to new vineyard production—and I'm not talking about varietal, I'm talking about even Labrusca—that is going on there now. It is also providing for new equipment, new sales and new merchandise.

**Mr. Hall:** You're also putting a 10 per cent tax on sales, aren't you?

**Hon. Mr. Drea:** Yes; Oh, yes.

I want to speak just for a very few moments about the Ontario wine industry. I must say after some of the dialectic which was devoted to it, I really think that I would like to particularly thank the mover of this motion for the statements he made. I think it is very important that it be brought to the attention of the public that the policies of this government are really set in terms of the grape grower by the Minister of Agriculture and Food.

I receive, as does the honourable the Deputy Premier (Mr. Welch), a very great

deal of credit for certain implementations—and I make no apologies for those—but the winery is really only incidental. The very common view is we're protecting the winery; we're not doing anything with the wine. The whole thrust is to the grape grower and I think that that is something that should be remembered and I commend the mover of the motion for that, because this sometimes escapes public attention. When it is drawn to the attention of the public, immediately there is a new look at the Ontario wine industry from the primary source, which is the grape grower, right on through, and I think that quite often that has been missed in the past.

It may be of some significance, after the member for Welland-Thorold's diatribe about the mark-up, to note that I cut the price of Ontario brandy even more than the grape growers wanted. The reason for that is it provides the grape grower with a market for the culls in good years—he has to pick them anyway. The new market for Ontario brandy will allow him to pick them and at least get his costs back on it and in a surplus year will provide an additional market. I would have thought that the member would have commended me, the Deputy Premier, and Mr. Bosworth, the chairman of the board. Obviously that has escaped somewhere in here.

**Mr. Swart:** That is only a small part of the whole picture.

**Hon. Mr. Drea:** Oh, it's a very significant part and, once again, they'll love that remark, they will love it.

Just for a moment I want to talk about mark-ups in terms of GATT. This government cannot trim the size of the mark-up from now on. That is an agreement under GATT. We can lower it but we cannot expand it between domestic product and foreign. We can take into account some normal commercial considerations, which are handling, freight, warehousing.

**Mr. Nixon:** You can lower it.

**Hon. Mr. Drea:** We can narrow it, which would mean directly opposite to what has been suggested here. We can lower the gap between both, but we cannot widen it. Were we to drop the mark-up on Ontario wine, we would have to drop the mark-up on imported wines correspondingly. We could raise the mark-up—which is intolerable and will not be done, but that is a condition of the GATT agreement. It was a trade-off and it was done to protect the export of Canadian whisky, which is also a primary Canadian agricultural product. It was one of the demands of the United States.



For the moment, let's not talk about mark-up, let us talk about merchandising. With the introduction of the kiosk into the big supermarket and with some of the things the Deputy Premier, the Minister of Agriculture and Food (Mr. W. Newman) and I intend to do in the next few months, Ontario wines have already regained their lost share of the market. They have over 50 per cent of the total. They were down well below that some time ago. They're back there now. In the future, they are going to dominate this market.

It's not going to be based entirely upon price or entirely upon a captive market. It's going to be based upon a fact with which I think everyone in this House agrees—that the new varietals and many of the table wines are among the finest in the world. They are a good quality product. So far, the difficulty with getting them in commercial amounts in hotels and so forth is the inadequacy of the supply. As each year goes by, the supply becomes more stable as that cycle on the varietal grapes does come in.

Second, there is a thrust by the Ontario wine industry away from the fortified wine and into the table wine. That is where the capitalization is going. That is where the research is going. That, quite frankly, is where the merchandising expertise is going.

I think there is an entirely optimistic viewpoint shared by both the wineries as represented in the wine council and the one that is outside of it, and the grape growers. They have met with me. They have met with the Treasurer (Mr. F. S. Miller). They met with the Minister of Agriculture and Food prior to the budget. They consulted with me afterwards. They have made it abundantly plain that the policies of this government, particularly in regard to mark-up, availability of supply, the expansion of the freehold store into the kiosk, have given them a new light and a new optimism for the future.

I would like to emphasize that I do not believe the future of Ontario wine is in trying to dictate to the consumer that he must do this or he must do that; rather, it should be based upon a normal commercial consideration, which is the mark-up.

The mark-up on Ontario wine is not an awful lot different to the mark-up on foreign wine, when you take into account that the LCBO pays for warehousing, et cetera, for the foreign wine, whereas the Ontario wine pays its own. That mark-up becomes remarkably equal, notwithstanding some of the media that feel unless it's French it is not

significant, and if it's French, I should subsidize the Rothschilds and sell it at a remarkably low price.

I think the industry should be commended, particularly the Ontario grape growers. Just a little aside: The women's action group, because they felt the grape growers perhaps were confining themselves too much to agriculture and not enough into advertising and promotion, took a giant step forward and have been very instrumental, not just in the promotion of Ontario wines but, indeed, of grape juice, grape jellies and so forth. That has become an exceedingly significant market.

**Mr. Acting Speaker:** The honourable member's time has expired.

**Hon. Mr. Drea:** The grape growers have been remarkably consistent. They have been fair; they have been honourable; they have stated their case well. It will indeed be an honour to give them a very special permit when they open their new headquarters in the Niagara Peninsula because they will be the only non-manufacturers of alcoholic products allowed to give you a sample on the premises so you may find out just how good is the quality of brandy and Ontario wines.

**Mr. Nixon:** Mr. Speaker, I'm glad to participate in this debate and support the resolution of my colleague from Lincoln. I believe it would be effective if the minister could be persuaded to follow it, if not totally, at least in part.

I'll begin with perhaps what I should be ending with, by quoting to the minister from the Ontario Wine Advisory Committee Report, 1974. The minister was not in the cabinet at that time but he may recognize some of the names appended to the report. The chairman was A. Gordon Cardy. One of the signatures, as I make it out, is John P. Robarts; another one is J. Dean Muncaster; another, J. Charles Grieco; all of them, surely, good friends of the minister and people to whom he should pay a great deal of attention.

The recommendation from that report is particularly significant in the light of what the minister has said. He has thrown up his hands like Pontius Pilate and said, "There is nothing I can do about the mark-up. My hands are tied or washed by the provisions of the GATT agreement." Then he went on to say that if we reduce the mark-up on Ontario wines, we would have to do the same for imported wines.

That is not such an incredibly impossible thing to consider. After all, the mark-up on imported wines is 123 per cent plus 10 per



cent tax on top. And there are those people, even though they are wholly committed to drinking only wine produced within sight of the attic window of the member for Lincoln—

**Hon. Mr. Drea:** Not you.

**Mr. Nixon:** —such as me.

**Hon. Mr. Drea:** Not you. Oh, I've watched you.

**Mr. Nixon:** There is one exception to that, and I want to bring it to the minister's attention in a minute. There are those who believe that 123 per cent plus an overall 10 per cent is too damned much profit for the LCBO. After all, this minister administers one of the most powerful monopolies, next to Ontario Hydro which isn't really a monopoly at all, in Canada—in North America. We have a law that only the minister can sell the wine. He has his own stores in all the communities and in my riding, he has the finest buildings in the whole constituency except for Liberal headquarters. He buys the material cheap, marks it up and in some instances waters it down, sells it dear and slaps 10 per cent on top and he expects to stand in the House and have us support the initiatives he has taken.

I believe his initiatives have been commendable but inadequate and I would suggest two courses of action, both of them directly along the lines of the resolution put forward by my friend. I believe the mark-up is too high and it could be reduced along the lines of the GATT agreement, including a reduction in the mark-up of imported wines.

The minister is pointing to one of the many empty seats in the front row, the one that should be occupied by the Treasurer, because this debate concerns him more than anybody else. Or is he pointing to the Premier's seat?

**Hon. Mr. Drea:** Do you really want to cut the price of foreign wines?

**Mr. Nixon:** I do.

**Hon. Mr. Drea:** Let that be put on the record.

**Mr. Nixon:** Yes, sir. I believe, along the lines of the honourable member's resolution, that the mark-up reduction on both levels of wine would continue the kind of protection that even the Minister of Agriculture and Food is prepared to support—

**Hon. Mr. Drea:** Look at your member. Your member doesn't agree.

**Mr. Nixon:** —and also expand the market in a way which would lead to the profit of the growers.

**Hon. Mr. Drea:** You haven't helped your member.

**Mr. Nixon:** I want to get back to the report signed by John P. Robarts. It says, and this is the more important aspect because it covers tax, the area directly under the responsibility of this government—I quote from the report, page 76:

"The Ontario retail sales tax was originally put into effect to raise provincial revenue on products and transactions from which it derived no other benefit. In the case of wine sales, this premise has been ignored. The consumer is made to pay the sales taxes on a product controlled and priced by an agency of the provincial government from which substantial revenue is derived"—a gross of \$430 million last year.

**Hon. Mr. Drea:** No.

**Mr. Nixon:** "The committee believes this unique tax on tax situation should be reconsidered by the appropriate ministries."

The minister who is paying attention to this debate is one of them. The Treasurer, who is absent, is another. The Minister of Agriculture and Food is here and certainly in the words of the member for Lincoln, it applies to the agricultural policy ahead of everyone else.

I was just saying—and I must be sure that this is a part of my remarks since everyone is going to send this out to all of their wine growers; I don't have any in my constituency.

**Hon. Mr. Drea:** Oh, yes.

**Mr. Nixon:** All right. The only exception to the use of Niagara wines are those basement vintages that I am not so quick to discredit as my colleague from Lincoln has done. I admire his judgement in all respects, but if he has never tasted the Chateau Nixon rhubarb or elderberry 1978, then he knows not of what he speaks. I will attempt to remedy that as soon as it has aged another few days—

**Hon. Mr. Drea:** With dandelions thrown in.

**Mr. Nixon:** —and in that respect, his views might be changed.

[5:45]

I believe the resolution is a significant one. It lies within government policy to support the growers by reducing the end cost. In my view, this would mean that a good and healthy Canadian product, full of vitamins and food values—

**Hon. Mr. Drea:** Ontario product.

**Mr. Nixon:** All right, Ontario product—would be expanded. I wish I had time to talk about the government's kiosk policy because to put this in the big supermarkets is one thing, but it simply puts the small merchandiser, the small grocer, at a disadvan-



tage. I will await with interest what the minister does in the future in the limited number of months that are at his and their disposal to remedy this matter.

**Mr. Acting Speaker:** The member for Wentworth for up to five minutes.

**Mr. Isaacs:** I rise to offer qualified support for this resolution. It's a step in the right direction, but it's a step that is not at all big enough. Because of the limited amount of time available to me, I want to address, first of all, a couple of comments that were made previously by the minister.

I think the ministry has attempted to take some steps in the right direction—

**Hon. Mr. Drea:** I have done a lot.

**Mr. Isaacs:** —but I don't think those steps have been big enough.

**Hon. Mr. Drea:** That's not true.

**Mr. Nixon:** The minister sounds like Jack Horner.

**Hon. Mr. Drea:** Ask the grape growers. They want to make me chairman.

**Mr. Isaacs:** I want to offer in support of that statement some figures published by the Liquor Control Board of Ontario, the agency that ought to know what is happening in our wine industry in this province. That agency reported in its 1978 annual report that the tonnage of grapes used in the manufacture of wine in the province of Ontario has dropped from 45,000 tons in 1974 to 34,000 tons in 1978.

**Hon. Mr. Drea:** No, no.

**Mr. Isaacs:** How the minister can call that a good record, I really don't understand.

**Hon. Mr. Drea:** That's not true, and you know it.

**Mr. Samis:** How can it not be true if the figures are there?

**Hon. Mr. Drea:** The figures are two years old.

**Mr. Isaacs:** If the figures are not true, then something is wrong with the liquor control board's annual report for 1978, which is last year.

I also want to say something about the program that board is so very proud of. I will quote just two sentences from the introduction to the liquor control board's 1978 report. It says: "The Ontario wine assistance program, which includes the accelerated distribution of wines to our retail outlets at reduced mark-ups, continues to be a success. The sales of Ontario-produced wines have again increased during the 1977-78 year."

The reduced mark-ups, according to the liquor control board, are already in place.

The board claims there are increases in the sale of Ontario wines as a result of the Ontario wine assistance program. It is a true statement that there have been increases, but it is nevertheless also true from the board's own statistics that the sales of imported wines have continued to increase at a rate faster than the sales of Canadian wines, both in liquor board outlets and in Ontario winery outlets.

**Mr. Swart:** The minister should be listening to this.

**Mr. Isaacs:** To give the figures for the two years for which the wine assistance program has been in effect, over the period 1976-77 through to 1977-78 sales of Canadian wines in Ontario increased by 20 per cent and sales of imported wines in Ontario increased by almost 35 per cent. I really don't understand how the minister can be proud of that record.

My time is running out. I really feel that reduced mark-ups for Ontario-produced wine might be a very tiny step in the right direction. What we need are some positive steps in terms of encouraging farmers to produce not only grapes, but other Ontario produce, and to put in place policies that ensure land is not being removed from agricultural production, farms are not sold to speculators and that the economics of farming begin to make sense again in the Niagara Peninsula, in the Hamilton-Wentworth region and throughout Ontario.

#### WASTE DISPOSAL

**Mr. Speaker:** Mr. Kerr has moved resolution 18.

Resolution concurred in.

#### ONTARIO WINE TAX

**Mr. Speaker:** Mr. Hall has moved resolution 17.

Resolution concurred in.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Grossman:** Pursuant to standing order 13, I wish to indicate to the House the order of business for the remainder of this week and next week.

Bill 105 will not be considered this evening but will be considered next Tuesday. Tonight, Bill 71, The Ontario Heritage Act; Bill 93, An Act to provide for the holding of Land by Religious Organizations; and Bill 94, An Act respecting the Anglican Church of Canada, will be dealt with tonight in second reading and in committee stage



as required as well. We will go to budget debate then if there is time.

On Friday, in committee of supply we will consider estimates of the Ministry of Intergovernmental Affairs.

On Monday, June 4, in the afternoon, in committee of supply we will continue with the estimates of the Ministry of Intergovernmental Affairs. On Monday evening, I would remind the House, the government now having had time to assess the matter that arose this afternoon, in accordance with the undertaking I gave at that time that if all was in order and as straightforward as it appeared, there would be no problem. Pursuant to that undertaking we will be calling the report from the public accounts committee re the Royal Ontario Museum and the provincial auditor. Later Monday night, if there is time, we will have the debate on the motion for adoption of the report of the standing social development committee dated May 25, 1979, re Lakeshore Psychiatric Hospital.

On Tuesday, June 5 in the afternoon we will consider Bill 96, The Planning Amendment Act, second reading only, and Bill 105, An Act to amend the Condominium Act, second reading and committee if required. The following bills will go for second reading at that time and committee as required: Bills 90, 92, 99, 88, 89. Tuesday evening, Bill 115, An Act to amend the Municipal Act, second reading in committee.

On Wednesday, June 6, resources development, general government and justice committees may meet in the morning.

On Thursday, June 7 in the afternoon, private members' public business, ballot items 17 and 18. In the evening, Bill 17, the Line Fences Act in committee and then second reading and committee stage if re-

quired on the following bills: Bill 46, The Local Improvement Amendment Act; Bill 80, The Veterinarians Amendment Act; Bill 81, The Hunter Damage Compensation Amendment Act; and Bill 82, The Dog Licensing and Live Stock and Poultry Protection Amendment Act, a matter of great concern to my constituents.

On Friday, June 8, the committee of supply will continue with the estimates of the Ministry of Intergovernmental Affairs.

**Mr. Speaker:** The honourable Acting House Leader may wish to revise the numbers of those balloted items.

**Hon. Mr. Grossman:** That is in accordance with the changes made the other day. We will deal instead with the items as scheduled for next Thursday, June 7, which I presume are items 19 and 20, but we changed some of them the other day.

**Mr. McCaffrey:** A question of clarification, Mr Speaker. My understanding, and I might get some advice from any of the other members of the general government committee who are here, is that we had undertaken to ask of the House leaders the permission of the House to enable us to sit, in addition to Tuesday and Tuesday evening and all day Wednesday next week, on Wednesday night, Thursday, Thursday night and Friday as well.

I know the Acting House Leader mentioned something about the general government committee. Frankly, I didn't catch it all.

**Hon. Mr. Grossman:** I referred to the general government committee meeting next Wednesday, June 6, but if that information is conveyed to us on behalf of the committee with concurrence we'll introduce the motion tomorrow morning.

The House recessed at 5:55 p.m.

## ERRATA

No.	Page	Column	Line	Should read:
56	2307	2	18	PROVINCIAL COURT
56	2328	1	3	Provincial Court (Civil Division) Project Act, Mr. McMurtry, first reading . . . . . . 2307



## APPENDIX

(See page 2389)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## PUBLIC OPINION POLLS

113. Mr. T. P. Reid: Would the ministry provide the titles and subject matter of all public opinion polls for each government ministry, the cost of each poll, and the name of the company which conducted the poll from April 1, 1978, until April 1, 1979?

Would the ministry table copies of each such opinion poll? [Tabled April 5, 1979.]

Hon. Mr. McCague: The tabulation requested on public opinion polls for the period April 1, 1978, to April 1, 1979, is attached. The polls in question constitute working documents for the development of policy and it is not the practice of the government to release material of this nature.



MINISTRY	TITLE AND SUBJECT MATTER	COST	COMPANY
Agriculture and Food	Foodland Ontario: Consumer awareness of its symbol and current environment for the program.	\$27,900	The Creative Research Group Ltd., Toronto
Consumer and Commercial Relations	Ontario Survey on Censorship, Gambling and Liquor Policy.	\$45,000	Market Facts of Canada Ltd.
Culture and Recreation	Ontario Omnibus Survey of the present levels of physical activity among adults in Ontario and the awareness of the ministry's television commercials about fitness.	\$ 7,300	The Canadian Gallup Poll Ltd.
Education	Attitudes of the Public Towards Schools in Ontario. The objectives of this study were to determine the public's attitude to schools, including major concerns, interest in adult education, awareness of, and opinions on, education fitness. Lindsay and Stratford Thermography Information Projects. To determine public knowledge of, participation in, and reaction to ministry's pilot project: —analysis of data collected. —analysis of questionnaires completed. The impact of Home Energy Conservation Pilot Projects.	\$23,280	The Canadian Gallup Poll Ltd.
Energy	Study of homeowner energy conservation activity in nine Ontario communities during the period 1977-79 to: —determine effectiveness of ministry pilot residential projects in stimulating conservation activity; —determine effectiveness of ministry projects relative to federal projects; —provide guidance on refinement for ministry residential conservation projects.	\$ 5,800 \$ 1,000 \$50,000	Thompson Lightstone Co. Ltd. Paul D. Allen and Associates Ltd. Paul D. Allen and Associates Ltd.



MINISTRY	TITLE AND SUBJECT MATTER	COST	COMPANY
Health	Survey of public opinion regarding Ontario's oil and electricity supply.	\$21,000	Goldfarb Consultants Ltd.
	Ontario Omnibus Survey of Knowledge and Attitudes Towards the Health Care System and its Components.	\$23,000	The Canadian Gallup Poll Ltd.
	This survey also covered the awareness of a ministry media campaign whose topic was the control of health care costs.		
	Two Ontario Omnibus Surveys to measure the awareness of alcohol and immunization media campaigns sponsored by the Ministry of Health and other institutions. One survey also included questions about the public's perception of what were the factors affecting the health of people in the province.		
Housing	Public Attitudes Towards Housing in Ontario.	\$ 9,600	The Canadian Gallup Poll Ltd.
Intergovernmental Affairs	Public understanding of, and attitudes towards, current issues related to Canadian unity and a renewed constitution for Canada.	\$ 8,000	Goldfarb Consultants Ltd.
		(further \$4,000 on completion in current fiscal year)	
Labour	Survey of Labour Market Experiences of Recent Immigrants to Canada.	\$29,500	The Canadian Gallup Poll Ltd.
	Monitoring the Communication Program: Benchmark Survey to assess the Public's awareness of the Workmen's Compensation Board's Programs and Policies.	\$ 9,200	Institute of Opinion and Market Research Ltd.
	Gallup Poll Awareness of Human Rights Issues - September 1978.	\$ 4,020	The Canadian Gallup Poll Ltd.
	Gallup Poll Awareness of Human Rights Issues - February 1979.	\$ 4,020	The Canadian Gallup Poll Ltd.
	Survey of the Incidence and Scope of Affirmative Action Activities for women in Ontario.	\$28,800	Canadian Facts, Toronto



MINISTRY	TITLE AND SUBJECT MATTER	COST	COMPANY
Natural Resources	Public Awareness Study of the Mining Industry in Ontario. To determine the awareness of, and attitudes towards, the development of Ontario's mineral resources and towards the direction and nature of government programs which affect that development.	\$19,525	The Canadian Gallup Poll Ltd.
Treasury and Economics	Life in Ontario—A poll to establish current views of the people of Ontario on such matters as inflation, employment, taxes and other economic issues.	\$60,000	Goldfarb Consultants Ltd.
Transportation and Communications	Commercial Vehicle Owner Survey: To acquire in-depth knowledge concerning present methods by which individuals or companies purchase and equip commercial vehicles from fuel economy point of view. Analysis of Noise Barrier Impact on Dissatisfaction with Freeway Annoyances: To determine people's reaction to highway noise as affected by different noise barrier designs installed on the Ottawa Queensway and Highway 401 in Toronto.	\$ 7,000	Davis, Eryov and Associates, Ottawa
	Ontario Omnibus Survey on Reduced Speeds and the King's Highways: To acquire public attitude towards the highway speed limit compliance as related to energy conservation and safety.	\$22,857	Enviroics Research Group Ltd., Toronto
		\$ 3,660	The Canadian Gallup Poll Ltd.



MINISTRY	TITLE AND SUBJECT MATTER	COST	COMPANY
	<p>Ontario Omnibus Survey on Communications: To obtain input to policy formulation through questions relating to the following issues:</p> <ol style="list-style-type: none"><li>1. Alternative methods of paying for telephone services.</li><li>2. Percentage of total monthly phone expense accounted for by local, versus long distance service.</li><li>3. Demand for pay TV.</li><li>4. Carriage of multilingual TV on cable services.</li><li>5. Access to various communications equipment/services.</li></ol>	\$ 4,850	The Canadian Gallup Poll Ltd.



## SPECIAL EDUCATION

**186. Mr. Bounsall:** Will the ministry indicate how many new special education teachers it will require in order to implement the special education program it announced on December 15, 1978, and for which it did not provide special funding in the 1979 general legislative grants? Will the ministry indicate what efforts it has made and will be making in order to increase the number of special education teachers available and finance the expansion of special education in Ontario? Will the ministry also indicate its estimate of the number of children requiring special education, but not receiving it? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** On December 15, 1978, the Minister of Education announced a number of legislative and policy changes concerning provisions for the education of

exceptional children. It was indicated, at that time, that appropriate amendments to the Education Act would be introduced to support these changes.

The precise information requested by Mr. Bounsall is in preparation in connection with the special education initiatives and proposed amendments to The Education Act.

## WEIGHTING FACTORS

**187. Mr. Bounsall:** Will the ministry calculate the cash value for each school board in Ontario of the language of instruction (ESL) weighting factor in 1975, 1978 and 1979 estimated? Will the ministry also calculate the per language of instruction pupil value of this weighting factor for each school board? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** See the following table:

Language of Instruction		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
<b>Boards of Education</b>							
Metro Toronto	— Pub.	—	—	4,866,661	25.07	3,376,033	18.73
	— Sec.	—	—	2,054,990	14.35	2,458,174	18.04
Ottawa	— Pub.	—	—	74,901	4.28	235,304	14.36
	— Sec.	—	—	—	—	79,290	3.56
<b>Separate School Boards</b>							
Metro Separate		—	—	1,035,394	11.56	62,832	0.70
Halton RCSS		—	—	16,587	1.94	—	—
North of Superior RCSS		—	—	428	0.38	—	—

Note: Until 1978 this was included within the Compensatory Education Component.

**188. Mr. Bounsall:** Will the ministry calculate the cash value for each school board in Ontario of the compensatory education weighting factor in 1975, 1978 and 1979 estimated? Will the ministry also calculate

the per compensatory education pupil value of this weighting factor for each school board? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** See the following table:

Compensatory Education		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
<b>Boards of Education</b>							
Hamilton	— Pub.	1,099,383	37.04	1,349,553	51.96	1,389,722	56.35
	— Sec.	547,034	28.82	669,221	36.82	696,750	39.66
London	— Pub.	513,630	18.52	646,409	25.98	681,505	28.17
	— Sec.	245,839	14.41	324,431	18.41	341,194	19.83
Metro Toronto	— Pub.	10,637,568	46.30	10,086,626	51.96	10,154,984	56.35
	— Sec.	5,053,809	36.02	5,272,806	36.82	5,404,168	39.66



Compensatory Education		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Ottawa	— Pub.	585,887	27.78	681,987	38.97	692,306	42.26
	— Sec.	540,370	21.61	646,400	27.61	662,390	29.74
Windsor	— Pub.	443,312	27.78	723,889	51.96	756,492	56.35
	— Sec.	280,677	21.61	470,910	36.82	493,449	39.66
Frontenac	— Pub.	222,318	18.52	267,888	25.98	281,301	28.17
	— Sec.	112,378	14.41	148,960	18.41	158,269	19.83
Haliburton	— Pub.	28,263	18.52	36,570	25.98	38,102	28.17
	— Sec.	9,146	14.41	11,374	18.41	11,725	19.83
Lanark	— Pub.	—	—	125,348	25.98	132,235	28.17
	— Sec.	—	—	63,713	18.41	68,147	19.83
Lincoln	— Pub.	383,056	18.52	495,181	25.98	511,121	28.17
	— Sec.	188,055	14.41	240,803	18.41	253,536	19.83
Niagara South	— Pub.	390,577	18.52	484,256	25.68	500,657	28.17
	— Sec.	209,494	14.41	261,316	18.41	274,360	19.83
Prescott & Russell	— Pub.	19,102	18.52	31,685	25.98	34,836	27.17
	— Sec.	62,025	14.41	82,528	18.41	90,731	19.83
Prince Edward	— Pub.	62,439	18.52	—	—	—	—
	— Sec.	20,903	14.41	—	—	—	—
Renfrew	— Pub.	156,155	18.52	190,955	25.98	197,175	28.17
	— Sec.	105,348	14.41	134,614	18.41	141,695	19.83
Stormont, Dundas & Glengarry	— Pub.	141,474	18.52	176,444	25.98	185,283	28.17
	— Sec.	125,810	14.41	162,140	18.41	172,134	19.83
Waterloo	— Pub.	564,373	18.52	783,369	25.98	834,494	28.17
	— Sec.	245,361	14.41	328,859	18.41	351,014	19.83
Atikokan	— Pub.	26,002	27.78	31,787	38.97	30,242	42.26
	— Sec.	13,378	21.61	15,492	27.61	14,480	29.74
Central Algoma	— Pub.	30,308	18.52	39,077	25.98	41,013	28.17
	— Sec.	10,821	14.41	14,515	18.41	15,481	19.83
Chapleau	— Pub.	6,819	18.52	7,716	25.98	7,901	28.17
	— Sec.	5,487	14.41	5,838	18.41	5,590	19.83
Cochrane-Iroquois	— Pub.	49,449	27.78	56,623	38.97	56,215	42.26
Falls	— Sec.	38,208	21.61	49,866	27.61	53,233	29.74
Dryden	— Pub.	88,690	27.78	148,795	51.96	192,416	70.44
	— Sec.	36,936	21.61	62,055	36.82	83,232	51.55
East Parry Sound	— Pub.	56,131	18.52	70,709	25.98	72,966	28.17
	— Sec.	17,581	14.41	24,820	18.41	26,139	19.83
Espanola	— Pub.	—	—	—	—	28,901	28.17
	— Sec.	—	—	—	—	20,647	19.83
Fort Frances-	— Pub.	42,729	18.52	80,671	38.97	84,947	42.26
Rainy River	— Sec.	21,666	14.41	37,038	27.61	38,640	29.74
Geraldton	— Pub.	10,605	18.52	12,914	25.98	13,582	28.17
	— Sec.	7,692	14.41	8,765	18.41	9,143	19.83
Hearst	— Pub.	4,371	18.52	6,535	25.98	10,022	42.26
	— Sec.	10,639	14.41	15,290	18.41	23,875	29.74
Hornepayne	— Pub.	4,461	18.52	5,236	25.98	5,883	28.17
	— Sec.	1,544	14.41	1,775	18.41	2,145	19.83
Kapuskasing	— Pub.	22,167	27.78	26,300	38.97	26,625	42.26
	— Sec.	48,995	21.61	58,377	27.61	60,782	29.74
Kenora	— Pub.	98,789	46.30	118,533	64.95	125,210	70.44
	— Sec.	58,019	36.02	68,984	46.02	66,736	49.57
Kirkland Lake	— Pub.	35,683	18.52	39,316	25.98	39,479	28.17
	— Sec.	24,643	14.41	28,632	18.41	30,063	19.83
Lakehead	— Pub.	359,864	27.78	455,755	38.97	497,637	42.26
	— Sec.	199,318	21.61	252,232	27.61	264,593	29.74
Lake Superior	— Pub.	21,358	18.52	27,642	25.98	27,950	28.17
	— Sec.	13,584	14.41	16,677	18.41	17,563	19.83



Compensatory Education			1975		1978		1979	
Board Names			Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Manitoulin	— Pub.		55,388	46.30	69,191	64.95	71,661	70.44
	— Sec.		22,084	36.02	30,122	46.02	31,987	49.57
Michipicoten	— Pub.		10,577	18.52	12,812	25.98	13,221	28.17
	— Sec.		7,721	14.41	8,690	18.41	9,439	19.83
Muskoka	— Pub.		91,659	18.52	—	—	—	—
	— Sec.		37,409	14.41	—	—	—	—
Nipigon-Red Rock	— Pub.		12,003	18.52	14,408	25.98	15,859	28.17
	— Sec.		6,886	14.41	8,397	18.41	8,845	19.83
Nipissing	— Pub.		115,902	18.52	141,833	25.98	144,112	28.17
	— Sec.		101,834	14.41	130,269	18.41	137,023	19.83
North Shore	— Pub.		32,150	18.52	49,993	25.98	54,829	28.17
	— Sec.		23,180	14.41	32,440	18.41	36,473	19.83
Red Lake	— Pub.		42,249	37.04	66,417	64.95	69,745	70.44
	— Sec.		13,439	28.82	20,324	46.02	20,798	49.57
Sault Ste. Marie	— Pub.		172,524	18.52	208,937	25.98	213,920	28.18
	— Sec.		96,746	14.41	123,799	18.41	132,945	19.83
Sudbury	— Pub.		250,594	18.52	288,758	25.98	300,093	28.18
	— Sec.		217,487	14.41	272,442	18.41	282,446	19.83
Timiskaming	— Pub.		52,688	18.52	67,094	25.98	70,735	28.17
	— Sec.		37,111	14.41	46,809	18.41	49,719	19.83
Timmins	— Pub.		84,219	27.78	110,859	38.97	115,661	42.26
	— Sec.		76,443	21.61	99,782	27.61	106,850	29.74
West Parry Sound	— Pub.		47,211	18.52	56,852	25.98	57,098	28.17
	— Sec.		18,843	14.41	25,629	18.41	26,797	19.83
Separate School Boards								
Metro Separate			3,948,741	46.30	4,653,901	51.96	5,058,929	56.36
Ottawa RCSS			640,816	27.78	711,769	38.97	724,909	42.27
Windsor RCSS			506,390	27.78	830,271	51.96	865,626	56.36
Frontenac-Lennox & Addington RCSS			63,964	15.74	97,386	23.38	106,435	25.36
Hamilton-Wentworth RCSS			702,338	31.48	931,893	44.16	991,242	47.90
Hastings-Prince Edward RCSS			7,132	1.85	4,782	1.29	5,062	1.40
Lanark-Leeds & Grenville RCSS			—	—	32,027	11.69	34,375	12.68
Lincoln RCSS			142,979	18.52	195,545	25.98	205,415	28.18
London & Middlesex RCSS			155,773	14.81	213,460	20.78	229,186	22.54
Prescott & Russell RCSS			—	—	180,565	25.98	191,483	28.18
Renfrew RCSS			114,630	18.52	135,890	25.98	139,839	28.18
Stormont, Dundas & Glengarry RCSS			177,873	18.52	215,755	25.98	225,871	28.18
Waterloo RCSS			301,230	18.52	410,840	25.98	438,959	28.18
Welland RCSS			210,484	18.52	280,698	25.98	296,518	28.18
Atikokan RCSS			9,585	27.78	12,569	38.97	11,322	42.27
Chapleau, Panet & Caverley RCSS			7,983	18.52	9,928	25.98	10,847	28.18
Cochrane-Iroquois Falls RCSS			57,182	27.78	68,804	38.97	70,244	42.27
Dryden RCSS			11,835	27.78	19,841	51.96	27,545	70.45
Fort Frances-Rainy River RCSS			8,434	18.52	15,751	38.97	15,961	42.27
Geraldton RCSS			11,648	18.52	16,501	25.98	17,640	28.18
Hearst RCSS			29,594	18.52	36,010	25.98	56,295	42.27
Kapuskasing RCSS			96,099	27.78	109,221	38.97	11,449	42.27
Kenora RCSS			42,845	46.30	54,743	64.95	60,835	70.45
Kirkland Lake RCSS			30,165	18.52	37,088	25.98	40,102	28.18
Lakehead RCSS			179,961	27.78	250,693	38.97	272,894	42.27



Separate School Boards		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Michipicoten RCSS		10,972	18.52	14,379	25.98	15,754	28.18
Nipissing RCSS		172,499	18.52	213,414	25.98	218,186	28.18
North Shore RCSS		56,661	18.52	73,941	25.98	79,490	28.18
North of Superior RCSS		—	—	29,308	25.98	30,434	28.18
Sault Ste. Marie RCSS		134,059	18.52	178,710	25.98	188,518	28.18
Sudbury RCSS		423,620	18.52	559,132	25.98	585,726	28.18
Timiskaming RCSS		38,449	18.52	45,638	25.98	46,983	28.18
Timmins RCSS		138,965	27.78	187,952	38.97	201,405	42.27

189. **Mr. Bounsall:** Will the ministry calculate the cash value for each school board in Ontario of the occupations weighting factor in 1975, 1978 and 1979 estimated? Will the ministry also calculate the per occupations

pupil value of this weighting factor for each school board? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** See the following table:

Technical and Occupational		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
<b>Boards of Education</b>							
Hamilton	— Sec.	336,344	17.72	187,207	10.30	362,253	20.62
London	— Sec.	452,269	26.51	729,926	41.42	842,749	48.98
Ottawa	— Sec.	154,784	6.19	—	—	—	—
Windsor	— Sec.	187,161	14.41	—	—	2,363	0.19
Dufferin	— Sec.	6,564	3.45	61,598	27.24	35,615	15.26
Durham	— Sec.	150,181	9.51	—	—	—	—
Elgin	— Sec.	49,155	10.80	68,052	14.17	54,149	11.30
Essex	— Sec.	216,533	26.22	146,921	17.48	140,877	16.65
Frontenac	— Sec.	80,872	10.37	227,850	28.16	212,063	26.57
Grey	— Sec.	13,606	2.59	31,682	5.70	39,459	7.13
Haldimand	— Sec.	29,998	11.52	54,436	20.98	56,082	21.81
Haliburton	— Sec.	7,222	11.38	21,382	34.61	29,399	34.50
Halton	— Sec.	202,712	10.37	—	—	—	—
Hastings	— Sec.	—	—	45,926	5.70	19,727	2.57
Huron	— Sec.	82,565	19.45	106,674	24.85	92,267	21.61
Kent	— Sec.	11,828	1.58	4,130	0.55	—	—
Lambton	— Sec.	54,215	6.05	—	—	—	—
Lanark	— Sec.	11,960	5.90	—	—	—	—
Leeds & Grenville	— Sec.	4,350	0.72	3,506	0.55	74,431	11.89
Lennox & Addington	— Sec.	3,386	1.44	47,681	18.04	27,317	10.31
Middlesex	— Sec.	121,858	29.10	67,678	15.83	86,234	20.22
Niagara South	— Sec.	368,687	25.36	125,335	8.83	150,808	10.90
Norfolk	— Sec.	—	—	65,361	16.56	61,210	15.66
Northumberland & Newcastle	— Sec.	—	—	—	—	49,205	6.14
Oxford	— Sec.	75,863	12.96	117,781	18.96	92,285	15.07
Peel	— Sec.	261,825	9.94	22,590	0.73	—	—
Peterborough	— Sec.	115,943	15.56	102,691	13.43	139,576	18.83
Prince Edward	— Sec.	51,830	35.73	74,969	52.83	89,442	63.05
Renfrew	— Sec.	117,922	16.13	32,246	4.41	43,873	6.14
Simcoe	— Sec.	118,332	8.06	—	—	194,246	12.09



Technical and Occupational		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Stormont, Dundas & Glengarry		—	—	61,562	6.99	82,551	9.51
Victoria		—	—	25,382	8.28	37,458	12.09
Waterloo		429,255	25.21	85,385	4.78	—	—
Atikokan		5,887	9.51	23,135	41.23	24,038	49.37
Central Algoma		44,037	58.64	54,427	69.03	38,238	48.98
Cochrane-Iroquois Falls		57,321	32.42	86,440	47.86	96,889	54.13
Dryden		57,378	33.57	16,129	9.57	4,795	2.97
East Parry Sound		37,615	30.83	15,140	11.23	14,632	11.10
Espanola		26,083	26.37	50,565	48.23	50,167	48.18
Fort Frances-Rainy River		646	0.43	7,405	5.52	10,810	8.32
Geraldton		8,845	16.57	15,160	31.84	13,256	28.75
Hearst		40,425	54.75	53,818	64.80	56,992	70.99
Kapuskasing		14,034	6.19	30,341	14.35	33,232	16.26
Kirkland Lake		9,115	5.33	28,632	18.41	65,827	43.42
Lakehead		3,966	0.43	38,643	4.23	29,982	3.37
Manitoulin		29,858	48.70	11,441	17.48	17,913	27.76
Michipicoten		21,000	39.19	1,128	2.39	2,170	4.56
Muskoka		67,706	26.08	50,080	18.04	19,459	7.13
Nipigon-Red Rock		27,405	57.35	7,722	16.93	7,783	17.45
Nipissing		4,028	0.57	—	—	1,312	0.19
North Shore		65,133	40.49	91,153	51.73	129,100	70.19
Sault Ste. Marie		134,411	20.02	138,593	20.61	155,539	23.20
Sudbury		226,090	14.98	65,261	4.41	—	—
Timiskaming		—	—	85,177	33.50	105,883	42.23
West Parry Sound		38,250	29.25	2,561	1.84	—	—
Timmins		15,281	4.32	49,873	13.80	—	—

Note: Effective 1978 this component recognized Technical only, and Occupational became part of the Special Education component.

190. **Mr. Bounsall:** Will the ministry calculate the cash value for each school board in Ontario of the special education weighting factor in 1975, 1978 and 1979 estimated? Will the ministry also calculate the per special

education pupil value of this weighting factor for each school board? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** See the following table:

Special Education		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Boards of Education							
Hamilton	— Pub.	955,153	34.44	1,599,153	61.57	1,636,234	66.35
	— Sec.	—	—	1,003,832	55.23	1,045,125	59.49
London	— Pub.	801,230	28.89	1,464,001	58.84	1,642,417	67.91
	— Sec.	—	—	324,431	18.41	341,194	19.83
Metro Toronto	— Pub.	9,828,837	42.78	16,490,742	84.95	17,999,108	99.89
	— Sec.	647,085	4.61	7,829,013	54.67	8,456,447	62.06
Ottawa	— Pub.	1,037,007	49.17	1,482,102	84.69	1,490,745	91.02
	— Sec.	—	—	1,249,722	53.38	1,325,003	59.49
Windsor	— Pub.	441,716	27.68	754,538	54.16	580,530	43.25
	— Sec.	—	—	501,477	39.21	715,415	57.50



Special Education		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Brant	— Pub.	252,271	21.11	565,132	50.01	671,639	61.42
	— Sec.	—	—	315,953	48.60	376,391	57.70
Bruce	— Pub.	52,286	7.31	193,102	27.01	262,210	36.19
	— Sec.	—	—	21,884	6.07	23,916	6.54
Carleton	— Pub.	351,640	15.83	1,013,892	45.46	1,046,649	47.47
	— Sec.	—	—	296,641	18.41	328,845	19.83
Dufferin	— Pub.	127,075	28.89	282,508	61.83	346,929	77.63
	— Sec.	—	—	41,631	18.41	45,696	10.83
Durham	— Pub.	485,846	16.48	714,358	24.29	1,031,049	35.50
	— Sec.	—	—	402,130	22.82	505,947	28.55
Elgin	— Pub.	77,970	8.42	278,247	31.69	300,615	35.22
	— Sec.	—	—	48,601	10.12	52,232	10.90
Essex	— Pub.	220,150	21.02	273,426	27.53	79,767	53.68
	— Sec.	—	—	222,819	26.51	385,826	45.60
Frontenac	— Pub.	278,979	23.24	574,548	55.72	835,463	83.69
	— Sec.	3,353	0.43	311,271	38.47	417,821	52.35
Grey	— Pub.	231,784	23.24	538,394	58.19	591,921	66.22
	— Sec.	—	—	30,681	5.52	42,874	5.94
Haldimand	— Pub.	58,481	12.13	150,887	35.59	186,307	45.92
Haliburton	— Pub.	33,773	22.13	58,867	41.82	78,673	58.18
	— Sec.	3,103	4.89	—	—	—	—
Halton	— Pub.	188,206	6.11	530,676	18.70	1,019,929	37.05
	— Sec.	—	—	292,340	14.17	312,337	15.26
Hastings	— Pub.	480,347	35.37	925,352	77.94	948,729	84.53
	— Sec.	5,764	0.72	148,334	18.41	171,947	22.40
Huron	— Pub.	110,448	14.44	304,609	44.16	320,657	48.04
	— Sec.	—	—	19,746	4.60	21,134	4.95
Kent	— Pub.	293,480	24.35	575,038	53.25	717,057	68.04
	— Sec.	—	—	127,151	16.93	134,554	18.24
Lambton	— Pub.	292,941	20.46	399,851	30.91	441,506	35.78
	— Sec.	—	—	169,093	19.51	149,679	18.64
Lanark	— Pub.	185,019	35.74	300,826	62.35	373,539	79.60
	— Sec.	—	—	56,065	16.20	77,666	22.60
Leeds & Grenville	— Pub.	341,270	32.41	712,860	74.43	792,880	86.08
	— Sec.	—	—	36,342	5.70	187,424	29.94
Lennox & Addington	— Pub.	197,642	37.96	285,563	59.36	303,964	65.79
	— Sec.	—	—	140,137	53.02	52,542	19.83
Lincoln	— Pub.	530,528	25.65	960,630	50.40	999,174	55.08
	— Sec.	—	—	72,201	5.52	75,945	5.94
Middlesex	— Pub.	230,585	27.78	322,305	42.60	352,844	48.04
	— Sec.	—	—	77,896	18.22	83,718	19.63
Niagara South	— Pub.	382,563	18.14	1,452,769	77.94	1,271,588	71.57
	— Sec.	—	—	593,179	41.79	669,368	48.38
Norfolk	— Pub.	110,340	15.74	265,440	43.90	326,398	56.35
	— Sec.	—	—	72,662	18.41	77,509	19.83
Northumberland and Newcastle	— Pub.	257,740	18.89	487,575	39.22	465,362	38.88
	— Sec.	—	—	78,765	9.75	84,146	10.50
Oxford	— Pub.	190,724	16.66	323,834	32.08	380,287	39.30
	— Sec.	—	—	23,978	3.86	25,474	4.16
Peel	— Pub.	390,169	8.14	2,634,929	52.99	3,238,711	66.23
	— Sec.	—	—	882,903	28.53	1,043,465	32.91
Perth	— Pub.	797	0.09	217,767	28.05	256,315	34.09
	— Sec.	—	—	3,627	0.73	3,830	0.79
Peterborough	— Pub.	325,514	27.13	464,210	32.21	524,575	49.31
	— Sec.	—	—	54,824	7.17	20,532	2.77



Special Education		1975		1978		1979	
Board Names		Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Prescott and Russell	— Pub.	—	—	4,902	4.02	869	0.70
Prince Edward	— Pub.	33,714	10.00	—	—	—	—
	— Sec.	—	—	4,172	2.94	—	—
Renfrew	— Pub.	343,507	40.74	392,422	53.39	522,470	74.67
	— Sec.	—	—	134,614	18.41	141,695	19.83
Simcoe	— Pub.	165,312	6.29	789,700	30.78	1,019,509	40.43
	— Sec.	—	—	298,565	18.59	375,800	23.39
Stormont, Dundas and Glengarry	— Pub.	200,829	26.29	327,284	48.19	421,489	64.10
	— Sec.	—	—	162,140	18.41	172,134	19.83
Victoria	— Pub.	148,790	25.92	277,120	49.23	410,198	74.81
	— Sec.	—	—	11,281	3.68	12,269	3.96
Waterloo	— Pub.	1,266,802	41.57	2,067,879	68.58	2,390,702	80.73
	— Sec.	—	—	953,532	53.38	687,869	38.86
Wellington	— Pub.	91,313	6.20	264,691	19.09	413,165	30.43
	— Sec.	—	—	159,197	18.41	167,799	20.02
Wentworth	— Pub.	55,056	4.16	210,785	18.57	265,749	24.65
York	— Pub.	457,368	16.39	1,049,520	41.17	1,466,515	59.31
	— Sec.	33,390	2.16	153,358	9.20	400,634	24.39
Atikokan	— Pub.	—	—	10,935	7.27	47,156	32.40
Central Algoma	— Pub.	29,392	17.96	70,920	47.15	78,335	53.82
	— Sec.	—	—	14,515	18.41	46,131	59.09
Cochrane-Iroquois Falls	— Pub.	53,063	29.81	38,867	26.75	85,820	64.53
	— Sec.	—	—	52,865	29.27	39,736	22.20
Dryden	— Pub.	96,671	30.28	151,372	52.86	95,421	34.93
	— Sec.	—	—	34,128	20.25	—	—
East Parry Sound	— Pub.	93,441	30.83	150,237	55.20	164,533	63.54
	— Sec.	—	—	50,881	37.74	71,354	54.13
Espanola	— Pub.	69,060	61.20	85,352	77.94	86,703	84.53
	— Sec.	6,696	6.77	10,033	9.57	10,735	10.31
Fort Frances-Rainy River	— Pub.	21,133	9.16	32,903	18.31	23,489	11.68
	— Sec.	—	—	15,802	11.78	5,664	4.36
Geraldton	— Pub.	2,702	4.72	2,127	4.28	21,661	44.94
	— Sec.	—	—	8,765	18.41	10,697	23.20
Hearst	— Pub.	3,101	13.14	9,508	37.80	4,942	20.84
	— Sec.	—	—	45,870	55.23	15,919	19.83
Hornepayne	— Pub.	4,639	19.26	8,952	44.42	11,795	56.49
Kapuskasing	— Pub.	15,073	18.89	—	—	—	—
	— Sec.	—	—	32,307	15.28	33,620	16.45
Kenora	— Pub.	69,536	32.59	58,071	31.82	66,349	37.33
	— Sec.	—	—	—	—	4,267	3.17
Kirkland Lake	— Pub.	39,961	20.74	54,449	35.98	72,240	51.56
	— Sec.	—	—	19,456	12.51	20,436	13.48
Lakehead	— Pub.	171,512	13.24	642,524	54.94	946,455	83.41
	— Sec.	—	—	400,228	43.81	441,019	49.57
Lake Superior	— Pub.	—	—	18,790	17.66	21,938	22.11
	— Sec.	—	—	50,031	55.23	52,690	59.49
Manitoulin	— Pub.	15,396	12.87	11,760	11.04	38,833	38.17
	— Sec.	—	—	36,151	55.23	38,388	59.49
Michipicoten	— Pub.	10,520	18.42	14,153	28.70	16,922	36.06
	— Sec.	—	—	26,072	55.23	28,317	59.49
Muskoka	— Pub.	106,309	21.48	195,901	42.99	217,064	48.75
	— Sec.	—	—	72,567	26.14	50,328	18.44
Nipigon-Red Rock	— Pub.	7,797	12.03	24,779	44.68	42,024	74.67
	— Sec.	—	—	17,967	39.39	7,074	15.86



Special Education

		1975		1978		1979	
		Cash	P/Pupil	Cash	P/Pupil	Cash	P/Pupil
Board Names		Value	Value	Value	Value	Value	Value
Nipissing	— Pub.	158,771	25.37	311,290	57.02	335,753	65.65
	— Sec.	—	—	40,333	5.70	—	—
North Shore	— Pub.	100,131	57.68	149,979	77.94	116,225	59.73
Red Lake	— Pub.	18,797	16.48	79,701	77.94	83,695	84.53
Sault Ste. Marie	— Pub.	191,435	20.55	463,797	57.67	593,595	78.19
	— Sec.	—	—	209,201	31.11	341,650	50.96
Sudbury	— Pub.	199,176	14.72	742,014	66.76	978,294	91.86
	— Sec.	15,092	1.00	730,014	49.33	742,793	52.15
Timiskaming	— Pub.	29,217	10.29	75,797	29.35	110,686	44.09
	— Sec.	—	—	32,291	12.70	80,534	32.12
Timmins	— Pub.	119,295	39.35	114,529	40.26	131,468	48.04
	— Sec.	—	—	199,601	55.23	168,107	46.79
West Parry Sound	— Pub.	33,267	13.05	51,447	23.51	121,035	59.73
	— Sec.	—	—	76,888	55.23	80,392	59.49

Separate School Boards

Metro Separate	1,389,308	16.29	3,803,910	42.47	5,855,110	65.23
Ottawa RCSS	608,752	26.39	692,774	37.93	966,545	56.36
Windsor RCSS	20,233	1.11	361,126	22.60	385,200	25.08
Brant RCSS	16,192	4.72	172,418	49.49	154,004	44.80
Bruce-Grey RCSS	59,287	20.64	137,766	40.91	145,248	42.55
Carleton RCSS	292,337	20.55	742,640	47.67	571,890	36.63
Dufferin-Peel RCSS	46,288	2.77	788,883	33.51	935,176	35.78
Durham RCSS	142,047	17.50	319,182	39.22	268,278	32.82
Elgin RCSS	—	—	16,459	10.65	18,872	12.39
Essex RCSS	183,055	18.61	410,666	41.56	511,279	51.71
Frontenac-Lennox and Addington RCSS	60,551	14.90	150,953	36.24	160,829	38.32
Haldimand-Norfolk RCSS	9,260	3.51	30,417	11.95	40,855	16.48
Halton RCSS	—	—	—	—	110,951	12.54
Hamilton-Wentworth RCSS	173,353	7.77	907,202	42.99	1,163,209	56.21
Hastings-Prince Edward RCSS	98,160	25.46	204,665	55.20	226,180	62.55
Huron-Perth RCSS	23,136	7.77	40,185	15.58	83,483	34.09
Kent RCSS	6,092	1.11	66,334	12.60	192,513	37.05
Lambton RCSS	78,855	16.29	204,480	39.09	248,074	47.48
Lanark-Leeds and Grenville RCSS	21,986	7.22	135,946	49.62	96,240	35.50
Lincoln RCSS	135,800	17.59	349,994	46.50	399,531	54.81
London and Middlesex RCSS	3,891	0.37	362,923	35.33	409,668	40.29
Oxford RCSS	34,142	16.94	34,248	18.05	92,052	47.34
Peterborough-Victoria- Northumberland etc.	105,987	17.50	147,725	26.49	224,697	41.00
Prescott and Russell RCSS	1,364,075	181.68	436,061	62.74	406,884	59.88
Renfrew RCSS	103,736	16.76	341,713	65.33	388,008	79.19
Simcoe RCSS	81,004	14.81	126,041	23.25	122,541	22.82
Stormont, Dundas and Glengarry RCSS	414,430	43.15	647,266	77.94	582,712	72.70
Waterloo RCSS	153,543	9.44	564,866	35.72	627,597	40.29
Welland RCSS	149,339	13.14	842,094	77.94	852,411	81.01
Wellington RCSS	—	—	4,884	1.03	121,456	26.20
York RCSS	100,776	17.59	429,375	52.60	497,781	57.06



Special Education Board Names	1975		1978		1979	
	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value	Cash Value	P/Pupil Value
Atikokan RCSS	2,394	6.94	—	—	13,170	49.17
Chapleau, Panet & Caverley RCSS	715	1.66	—	—	—	—
Cochrane-Iroquois Falls RCSS	—	—	33,245	18.83	32,072	19.30
Dryden RCSS	—	—	19,196	50.27	22,971	58.75
Fort Frances- Rainy River RCSS	—	—	6,507	16.10	—	—
Geraldton RCSS	22,069	35.09	6,846	10.78	32,013	51.14
Hearst RCSS	—	—	54,723	39.48	49,529	37.19
Kapuskasing RCSS	46,423	13.42	123,402	44.03	163,811	62.13
Kenora RCSS	16,280	17.59	65,691	77.94	73,002	84.54
Kirkland Lake RCSS	33,471	20.55	68,794	48.19	103,060	72.42
Lakehead RCSS	—	—	177,100	27.53	268,310	41.56
Nipissing RCSS	9,407	1.01	65,059	7.92	77,418	10.00
North Shore RCSS	75,354	24.63	148,964	52.34	100,138	35.50
North of Superior RCSS	—	—	61,977	54.94	61,776	57.20
Sault Ste. Marie RCSS	40,825	5.64	138,469	20.13	206,379	30.85
Sudbury RCSS	425,679	18.61	1,241,152	57.67	1,390,944	66.92
Timiskaming RCSS	39,777	19.16	136,915	77.94	140,951	84.54
Timmins RCSS	97,695	19.53	216,119	44.81	284,645	59.74

Note: Effective 1978 this component gave recognition to "Occupations" — See note to question 189.

#### STUDENT DROPOUTS

191. Mr. Bounsall: Will the ministry expand on its reply to written question 116, subsection 4(d)? Specifically, what percentage of grade nine students reach and complete grade 13 in each Ontario school board? What percentage of grade one students reach and complete grade 13 in this province? In each case please provide a male/female breakdown. [Tabled May 17, 1979.]

Hon. Miss Stephenson: The following tabulation (table 1) shows for each school board, by sex, the number of students enrolled in grade nine in 1974 and the number of grade 13 students enrolled in these same boards in September 1978.

In calculating the survival ratio or the grade retention rates for each board, a number of assumptions have been made:

(a) The grade nine students who were enrolled in Roman Catholic separate schools in 1974 are not included in the individual board totals, but a number of these students would be enrolled in grade 13. Thus, the survival ratios in the right-hand column may be some-

what misleading for those boards of education which have the same boundaries as a large enrolment separate school board.

(b) In 1974, there were 2,497 students enrolled in grade nine in the private schools in Ontario. Two years later, there were 11,591 students enrolled in grade 11 of these schools, and in 1978, there were 7,288 students enrolled in grade 13. Some of these students were grade nine students in the publicly supported schools in September 1974.

(c) No allowance is made for gross migration between grades. For example, students may enter or leave the school board at any grade level, so there is no assurance that the students who are enrolled in grade 13 are identically the same students who first enrolled in grade nine.

(d) No allowance is made for grade repeaters.

Table 2 shows the grade 13 student enrolments (by sex) in September 1978 as a percentage of corresponding grade one enrolments in 1966. The assumptions made in (b), (c) and (d) above still apply.



Table 1

NUMBER OF STUDENTS ENROLLED IN GRADE 13 IN SEPTEMBER 1978  
AND CORRESPONDING GRADE 9 ENROLMENTS IN SEPTEMBER 1974

BOARD	1974 Grade 9 Enrolment			1978 Grade 13 Enrolment			Survival Ratio in %		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Atikokan B of E .....	97	85	182	16	13	29	16.49	15.29	15.93
Borden CFB B of E .....	66	86	152	23	8	31	34.85	9.30	20.39
Brant County B of E .....	863	816	1679	326	282	608	37.78	34.56	36.21
Bruce-Grey County B of E .....	469	412	881	148	120	268	31.56	29.13	30.42
Carleton B of E .....	1738	1588	3326	939	768	1707	54.03	48.36	51.32
Central Algoma B of E .....	105	95	200	10	18	28	9.52	18.95	14.00
Chapleau B of E .....	56	56	112	10	15	25	17.86	26.79	22.32
Cochrane Iroquois Falls B of E .....	286	223	509	51	45	96	17.83	20.18	18.86
Dryden District B of E .....	276	236	512	62	37	99	22.46	15.68	19.34
Dufferin B of E .....	333	287	620	118	113	231	35.44	39.37	37.26
Durham B of E .....	2236	2125	4361	660	619	1279	29.52	29.13	29.33
East Parry Sound B of E .....	158	163	321	26	40	66	16.46	24.54	20.56
East York B of E .....	536	604	1140	444	342	786	82.84	56.62	68.95
Elgin County B of E .....	638	596	1234	179	181	360	28.06	30.37	29.17
Espanola B of E .....	186	155	341	49	44	93	26.34	28.39	27.27
Essex County B of E .....	1208	1104	2312	223	240	463	18.46	21.74	20.03
Etobicoke B of E .....	2989	2675	5664	1227	961	2188	41.05	35.93	38.62
Fort Frances-Rainy River B of E .....	258	260	518	54	39	93	20.93	15.00	17.95
Frontenac County B of E .....	1013	996	2009	436	372	808	43.04	37.35	40.22
Geraldton B of E .....	116	112	228	12	7	19	10.34	6.25	8.33
Grey County B of E .....	771	718	1489	168	198	366	21.79	27.58	24.58
Haldimand B of E .....	442	410	852	88	94	182	19.91	22.93	21.36
Haliburton County B of E .....	101	92	193	15	9	24	14.85	9.78	12.44
Halton B of E .....	2546	2298	4844	1321	1178	2499	51.88	51.26	51.59
Hamilton B of E .....	2957	2536	5493	671	601	1272	22.69	23.70	23.16
Hastings County B of E .....	1217	1190	2407	397	331	728	32.62	27.82	30.25
Hearst B of E .....	84	109	193	24	37	61	28.57	33.95	31.61
Hornepayne B of E*	25	10	35	—	—	—	—	—	—
Huron County B of E .....	676	600	1276	122	144	266	18.05	24.00	20.85
James Bay Lowlands SSB*	4	9	13	—	—	—	—	—	—
Kapuskasing B of E .....	318	282	600	96	78	174	30.19	27.66	29.00

\* No Grade 13 courses offered



NUMBER OF STUDENTS ENROLLED IN GRADE 13 IN SEPTEMBER 1978  
AND CORRESPONDING GRADE 9 ENROLMENTS IN SEPTEMBER 1974

BOARD	1974 Grade 9 Enrolment			1978 Grade 13 Enrolment			Survival Ratio in %		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Kenora B of E .....	241	223	464	67	53	120	27.80	23.77	25.86
Kent County B of E .....	1499	1297	2796	243	251	494	16.21	19.35	17.67
Kirkland Lake B of E .....	235	218	453	38	42	80	16.17	19.27	17.66
Lake Superior B of E .....	142	125	267	25	21	46	17.61	16.80	17.23
Lakehead B of E .....	1289	1250	2539	347	316	663	26.92	25.28	26.11
Lambton County B of E .....	1233	1061	2294	314	330	644	25.47	31.10	28.07
Lanark B of E .....	485	481	966	175	174	349	36.08	36.18	36.13
Leeds and Grenville County B of E .....	854	777	1631	239	243	482	27.99	31.27	29.55
Lennox and Addington County B of E .....	390	377	767	111	104	215	28.46	27.59	28.03
Lincoln County B of E .....	1623	1569	3192	620	569	1189	38.20	36.27	27.25
London B of E .....	2669	2259	4928	988	800	1788	37.02	35.41	36.28
Manitoulin B of E .....	151	124	275	19	25	44	12.58	20.16	16.00
Michipicoten B of E .....	74	83	157	9	7	16	12.16	8.43	10.19
Middlesex County B of E .....	574	542	1116	133	141	274	23.17	26.02	24.55
Muskoka B of E .....	369	356	725	113	104	217	30.62	29.21	29.93
Niagara South B of E .....	2025	1751	3776	524	406	930	25.88	23.19	24.63
Nipigon-Red Rock B of E .....	60	63	123	19	11	30	31.67	17.46	24.39
Nipissing B of E .....	1088	998	2086	308	238	546	28.31	23.85	26.18
Norfolk B of E .....	589	543	1132	124	123	247	21.05	22.65	21.82
North Shore B of E .....	207	265	472	60	62	122	28.99	23.40	25.85
North York B of E .....	5003	4387	9390	1966	1670	3636	39.30	38.07	38.72
Northumberland and Newcastle B of E .....	1130	1032	2162	294	252	546	26.02	24.42	25.25
Ottawa B of E .....	3461	3051	6512	1639	1322	2961	47.36	43.33	45.47
Oxford County B of E .....	839	803	1642	254	257	511	30.27	32.00	31.12
Peel B of E .....	3600	3329	6929	1467	1373	2840	40.75	41.24	40.99
Perth County B of E .....	781	719	1500	221	200	423	28.30	28.09	28.20
Petawawa CFB B of E .....	58	67	125	8	9	17	13.79	13.43	13.60
Peterborough CFB B of E .....	994	943	1937	321	298	619	32.29	31.60	31.96
Prescott and Russell County B of E .....	596	582	1178	144	155	299	24.16	26.63	25.38
Price Edward County B of E .....	201	199	400	45	43	88	22.39	21.61	22.00
Red Lake B of E .....	73	70	143	15	15	30	20.55	21.43	20.98
Renfrew County B of E .....	1098	914	2012	366	329	695	33.33	36.00	34.54
Sault Ste. Marie B of E .....	936	890	1826	269	220	489	28.74	24.72	26.78
Scarborough B of E .....	4436	4219	8655	1654	1478	3132	37.29	35.03	36.19



NUMBER OF STUDENTS ENROLLED IN GRADE 13 IN SEPTEMBER 1978  
AND CORRESPONDING GRADE 9 ENROLMENTS IN SEPTEMBER 1974

BOARD	1974 Grade 9 Enrolment			1978 Grade 13 Enrolment			Survival Ratio in %		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Simcoe County B of E .....	2245	2106	4351	634	530	1164	28.24	25.17	26.75
Stormont, Dundas and Glengarry .....	1226	1205	2431	353	370	723	28.79	30.71	29.74
Sudbury B of E .....	2069	1831	3900	625	496	1121	30.21	27.10	28.74
Timiskaming District B of E .....	374	358	732	89	102	191	23.80	28.49	26.10
Timmins B of E .....	516	491	1007	126	123	249	24.42	25.05	24.73
Toronto B of E .....	5494	5027	10521	1987	1700	3687	36.17	33.82	35.04
Victoria County B of E .....	396	415	811	97	124	221	24.49	29.88	27.25
Waterloo County B of E .....	2382	2201	4583	764	666	1430	32.07	30.26	31.20
Wellington County B of E .....	1181	1128	2309	381	413	794	32.26	36.61	34.39
Wentworth County B of E .....	928	864	1792	383	358	741	41.27	41.44	41.35
West Parry Sound B of E .....	188	172	360	74	46	120	39.36	26.74	33.33
Windsor B of E .....	1854	1584	3438	520	452	972	28.05	28.54	28.27
York Borough B of E .....	1411	1279	2690	338	362	700	23.95	28.30	26.02
York County B of E .....	2405	2179	4584	760	656	1416	31.60	30.11	30.89
TOTAL .....	84440	77335	161775	26879	36393	53160			

\*\*Not available



Table 2

NUMBER OF STUDENTS ENROLLED IN GRADE 13 IN 1978 AND CORRESPONDING  
GRADE 1 ENROLMENT IN SEPTEMBER 1966

	Male	Female	Total
1966 Grade 1 enrolment in publicly supported schools (Public and RC Separate) .....	91,048	82,291	173,339
1966 Grade 1 enrolment in all schools (Publicly supported and Private) .....	92,081	83,299	175,380
1978 Grade 13 enrolment in publicly supported schools .....	28,185	24,975	53,160
1978 Grade 13 enrolment in all schools .....	32,172	28,289	60,461
Survival Ratios, 1966 to 1978, Grade 1 to Grade 13 (per cent)			
In publicly supported schools .....	30.96	30.35	30.67
In all schools .....	34.94	33.96	34.47

#### DECLINING ENROLMENT

192. **Mr. Bounsall:** Will the ministry indicate what efforts beyond the funding of the commission on declining enrolment it has undertaken to assist local school boards to deal with declining enrolment? Will the ministry indicate the cash value to local school boards of these efforts? Secondly, in view of the recent reports that the Premier has stated that the province has not lessened its commitment to education even though the proportion of the provincial budget allocated to education has declined from fiscal 1975-76 to fiscal 1979-80, would it be accurate to calculate the province's savings from declin-

ing enrolment by calculating what the province would have contributed had it maintained funding at the level existing in fiscal 1975-76 and subtracting the present level? If this is not the case, will the ministry indicate how much money the ministry has saved as a result of declining enrolment and what benefits accrue to local school boards as a result of declining enrolment? [Tabled May 17, 1979.]

**Hon. Miss Stephenson:** We require additional time to prepare our response to the above question. The answer will be ready for tabling on or about Friday, June 8, 1979.



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No. 59

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# **Legislature of Ontario Debates**

## **Official Report (Hansard)**

**Third Session, 31st Parliament**

Thursday, May 31, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

THURSDAY, MAY 31, 1979

The House resumed at 8 p.m.

## ONTARIO HERITAGE AMENDMENT ACT

Mr. McCaffrey, on behalf of Hon. Mr. Baetz, moved second reading of Bill 71, An Act to amend the Ontario Heritage Act, 1974.

Mr. Deputy Speaker: Does the honourable parliamentary assistant have an opening statement?

Mr. McCaffrey: I do, Mr. Speaker, thank you.

The primary purpose of this amendment is to clarify the wording of section 37 of the act, specifically to enable municipalities to enter into heritage easement agreements with owners of real property for the conservation of buildings of historic or architectural value or interest.

When the Ontario Heritage Act, 1974 was first enacted, it was clearly intended that municipalities would be authorized to embark on easement programs to protect heritage buildings. Since then, several municipalities have approved in principle the taking of heritage easements, but unfortunately they have been unable to proceed with such a program because legal questions have been raised as to the express authority of municipalities to do so under the existing legislation.

In proposing this amendment, the ministry is responding to the requests of several municipalities which wish to further their ability to protect heritage buildings at the local level. By encouraging municipalities to engage in heritage easement programs, new impetus will be given to heritage preservation in the province. These local programs will complement the ongoing heritage easement program which is operated at the provincial level by the Ontario Heritage Foundation.

The participation of municipalities as partners of the Ontario Heritage Foundation in broadly based heritage preservation programs, is in fact a keynote of the Ontario Heritage Act. Under this proposed amendment to section 37, local inhabitants will be able to work with their municipal governments to preserve buildings which are of special significance to their communities.

Mr. Ruston: Point of order. I wonder if you would check to see if there is a quorum in the House; I don't believe there is.

Mr. Haggerty: There is not an NDP member in the House.

Mr. Deputy Speaker called for the quorum bells.

On resumption:

Mr. Deputy Speaker: Order. There is a quorum. Would the honourable parliamentary assistant continue.

Mr. McCaffrey: Thank you, Mr. Speaker. With your permission, I think it might be appropriate if I just backtrack a wee bit for the benefit of my New Democratic Party colleagues so they catch the spirit of the amendment.

Mr. Bounsall: Take it as all read.

Mr. Foulds: You can backtrack any time you want; your party is a master at that.

Mr. McCaffrey: By encouraging municipalities to engage in heritage easement programs, which is really the purpose of tonight's amendment, new impetus will be given to heritage preservation in the province. These local programs will complement the ongoing heritage easement program which is operated at the provincial level by the Ontario Heritage Foundation.

The participation of municipalities as partners of the Ontario Heritage Foundation in broadly based heritage preservation programs, is in fact a keynote of the Ontario Heritage Act. Under this proposed amendment to section 37, local inhabitants will be able to work with their municipal governments to preserve buildings which are of special significance to their communities.

Bill 71 proposes a further amendment to the existing section 37(1) by eliminating the necessity for municipalities to designate buildings before taking heritage easements. It is anticipated that this amendment will simplify heritage easement programs and make it less expensive for municipalities to acquire heritage easements.

Finally, Bill 71 proposes that sections 22 and 37 be amended by adding a provision whereby, should a property be both designated and subject to a heritage easement, the terms of the heritage easement shall prevail. This amendment will effectively avoid a possible conflict between the provisions of sections 33 and 34 of the Ontario



Heritage Act, 1974 and the terms of an easement agreement.

The ministry places a high priority on the passage of Bill 71. Several municipalities are now waiting to sign heritage easement agreements with owners of historic buildings. Without these amendments, municipal heritage easement programs cannot proceed. These amendments themselves are essentially of a housekeeping nature and are intended to encourage local heritage initiatives at the municipal government level. I have nothing further to say at this time, other than to request the support of all members of this House for this bill.

**Mr. Breithaupt:** I am pleased to rise in support of Bill 71. My colleague the member for Quinte (Mr. O'Neil), who is the critic for this ministry, had a commitment in his constituency this evening and he asked me to carry the bill on our behalf.

May I, first of all, commend the Ministry of Culture and Recreation, because this is the first opportunity I have had to see a compendium of this nature with respect to a bill. It has proved to be a most helpful compilation, not only of the present sections of the bill but also the proposed ones, together with some examples of the kinds of agreements that are being entered into in order to attempt to safeguard some of the particular and peculiar buildings that are in the province, ones that are worthy of preservation and yet the preservation of which should be done in accordance with their ongoing use and activity within the community.

I understand that the Association of Municipalities of Ontario has viewed this bill, and at least unofficially the response has been favourable to the ministry in bringing forward this legislation. It is true, I suppose, that to a degree some form of municipal autonomy is in principle slightly interfered with by legislation of this sort. However, the intent of the bill is really to protect the interest of municipalities, as I see it, in saving historic sites.

Presumably if there has been any real complaint about the operations of the Ontario Heritage Foundation, it was really that it hasn't been able to become involved enough in helping municipalities protect and encourage the development of their historic buildings. Bill 71 also has appeal to the Association of Municipalities of Ontario in that it places more emphasis on the province for preserving heritage properties. I think this is considered appropriate since it is particularly a provincial responsibility.

I was interested in reviewing an article which appeared in the *Globe and Mail* on

May 9 concerning certain buildings on Old Mill Road in Etobicoke. It appeared to me from the photographs that these buildings, two very nice homes at 71 and 73 Old Mill Road, might not necessarily be included as historic buildings, but they certainly appear from the photographs that accompany this article to be very handsome structures and well worthy of consideration by a municipality as to the stock of particular buildings and projects which any one municipality may have within its boundaries.

That's an example of two buildings which could, and indeed may prove to be lost. Whether they are particularly worthy of preservation is not a decision we would have to face here. However, in the eyes of their own citizens within that community, and limited to the opportunities that council or a local heritage or historical society might have, these are the kinds of projects, depending upon the age or the style of the community, that are worthy of consideration as we look to the implementation of this legislation.

The purpose of this bill is to allow municipalities to make the kinds of easement agreements with owners for the purpose of protecting buildings with a local historic interest. The Ontario Heritage Foundation is still going to act to protect structures of regional or provincial interest and it will continue to be empowered to make the easement agreements or covenants where it might be necessary to do so.

As a person who has been involved in the Waterloo Historical Society over a number of years, it is a pleasure for me to see the developing interest that people have, not necessarily because of their particular background in architecture or history within a community, but as citizens who see a link with the past, an attractive building, a particular site being torn down or threatened with destruction and being replaced with something that obviously has very little architectural merit.

[8:15]

This bill is meant to improve the present situation where municipalities really haven't any authority to protect the property after the 270-day official designation period. That period, of course, has proven to be useful as a stall tactic against immediate or indiscriminate alteration or destruction by an owner, and as well that delay provides some time for a community to mobilize the people who are interested in helping to save a particular site where it is of proven value.



I am sure that most members of the House would agree that simply because a building is of a certain age, this does not necessarily guarantee it has architectural merit or that there are not other buildings within a community that might be more worthy of preservation. But the designation of a building, which we have seen on occasion by municipalities in the province, is really not an effective method of heritage conservation. The minister I think acknowledges that fact, and he has introduced this bill to bring forward the kind of amendments that are going to be useful to preserve and assist in the preservation of a variety of structures within the province.

As the parliamentary assistant has mentioned, there are certain municipalities at present waiting for the passage of this legislation so they can proceed with particular projects. I understand that Toronto, Ottawa, Kingston, and as well the municipality of Haldimand-Norfolk, are among those municipalities interested in attempting to proceed with certain projects which they believe to be in the best interests of their own community when they look at the history and the particular items worthy of preservation within their own municipalities.

I am not certain how the members of the third party may face this legislation. I understood that perhaps they viewed the handing of this power to municipalities for the designation of heritage buildings somewhat uncertainly in that the operation by the provincial government would be a better way of dealing with the subject. I think the responsibility for heritage protection may well, in most cases, be a responsibility that should rest with the province. However, I also think we have an opportunity here to have something in addition to the provincial responsibility, something which can be dealt with at the municipal level and an intelligent balance struck as to how we can best preserve these various projects.

In this bill there are really three particular principles. The first one, of course, as is set out in the second section, is for the municipalities to convince the property owners to enter into an easement agreement; and for this to happen, in some cases certainly monetary incentives are going to have to be offered. It may not be enough simply to designate a structure of a building or a façade, but rather there are going to have to be some costs involved in ensuring that the maintenance or the protection of those particular areas may be something which the owner of the building is prepared to accept.

The Ontario Heritage Foundation in the past has provided grants of 10 to 15 per cent of the value of buildings to assist in this preservation and that, indeed, may also become a requirement or an expectation if a municipality chooses to become involved. However, that is a matter of the contract between the parties, and I am certain that can be worked out by persons on both sides, persons involved at the municipal government level or through heritage or historical groups that believe the provision of those public funds is worthy; and as well the owners and occupiers of buildings who would prefer to have the structures maintained if that financial differential could be of assistance and could be reasonable in the circumstances.

The amendments we see in the bill will leave that financial burden with the municipalities. I would suggest that the parliamentary assistant should give some consideration to the plight that some of the smaller municipalities or perhaps some of those in northern Ontario that have a less strong tax base would have in being prepared to commit those funds to particular local projects, when there are so many other things to which they must address their attention and for which they have limited resources.

It may be, for example, in northern Ontario that a particular building in a community is very much an important part of the heritage of that community. Yet the funds necessary to upgrade it or to ensure that it continues may be a bit of a strain on the tax base or on the opportunities which that community has as it looks at the other portions of its budget. There may be some requirement for the funds of the Ontario Heritage Foundation to be somewhat available to a degree in particular circumstances for the municipality that has something worthy to maintain and for which the ownership is not a requirement by the foundation. That kind of middle ground may be a development which would be for the benefit of both the foundation and the municipalities, as well as the owners and occupants of the building, and more importantly, for the people of the municipalities and for the province.

The second particular item deals with that area of local autonomy to which I had referred. There could be a certain tension which may only be partially resolved by the actions set out in Bill 71. It's my understanding that the Association of Municipalities of Ontario has no particular bill and that suggestions have been made over the years from time to time that amendments of this nature should be available to municipi-



palities to bridge the gap between ownership and strong involvement by the Heritage Foundation and the alternative of destruction or desecration of a particular historic site.

The responsibility for heritage conservation, it can well be argued, should be the particular domain of the provincial government. But we do have this opportunity to have some middle ground, as I had suggested. I think that second issue of autonomy versus provincial responsibility can be met with the goodwill that's necessary in ensuring that this kind of provision of support for these structures and for these various locations is encouraged.

The third point that does arise as a matter of principle out of this act is to inquire into the steps which the ministry itself has taken to protect government buildings. Honourable members will no doubt recall that I have introduced a private member's bill with respect to the preservation of this building. The whole idea of having a curator of Queen's Park with perhaps a distinguished architect, someone like Eric Arthur or someone with interest in the historic sites within the province, would be the kind of a sounding board which would be very useful in ensuring that structural changes in a building such as this are not made without full consideration of what is being done and how things may be developed in the future.

**Mr. Lawlor:** Particularly the Amethyst Room.

**Mr. Breithaupt:** I was going to speak to the Amethyst Room, as the member for Lakeshore has suggested. The wallpaper isn't exactly what I would have chosen, but, on the other hand, to see the old post office room, those who have been here for a few years remember it, turned into a very attractive and useful committee room is the kind of thing which I find very encouraging.

**Mr. Lawlor:** If you bring your constituents there, you'll never get elected again.

**Mr. Breithaupt:** I don't know whether that's the case or not.

**Mr. Lawlor:** It's a palatial unnecessary.

**Mr. Breithaupt:** Let's just say that not only can the committee rooms, hopefully, be developed and made more useful and attractive but their historic structure can be preserved.

As part of this bill, when we look at that other legislation to which I have referred briefly, the ministry has a responsibility not only to assist in the encouragement of the preservation of a variety of building sites across the province but to look particularly at its own inventory of structures. I don't

know whether there is an inventory of historic properties which are either owned or controlled by the province of Ontario. It may be, for example, that the odd liquor-store site in downtown Toronto happens to be in a very handsome building and that the building should not be interfered with, even though the use of a certain floor space or area might change from time to time.

I think it's worthwhile to look into that kind of thing because, as we can tell from the students and young people in the galleries here this evening, there are many people who are becoming more and more interested in the preservation of our heritage in an intelligent way. Obviously, every building may not be successfully taken care of and may be a duplication, but there are so many gems of architecture and style across the province in a variety of building forms that are worthy of being developed and maintained that we run a serious risk unless we deal with these projects soon.

I do suggest, therefore, that there are these particular points to which the parliamentary assistant may wish to address himself as we complete the debate on second reading. I believe that the bill is worthy of support. I congratulate the ministry in bringing it in so that we will have it before this session is complete in the next several weeks, and that the summer months will not be lost, otherwise, to the provision of a location here or there across the province which would be irretrievably lost without this legislation perhaps being available to assist them.

**Mr. Grande:** I'm happy to rise and speak for a short time on Bill 71, An Act to amend the Ontario Heritage Act, 1974. I do agree with the speaker from the government side and the Liberal member who stood up to speak on this particular bill that this bill strengthens the designation of a particular heritage building. The designation is very limited. It will only go on for 270 days and after that particular time the heritage building can be demolished or altered.

If the municipality or the Ontario Heritage Foundation is able to get involved in a voluntary agreement with the owner of a particular heritage building, then the easement or the covenant that is produced is much more lasting and will be there forever. In that particular sense, this bill is a good thing. As a matter of fact, I have recommended to my colleagues that we would be supporting this bill on second reading.

However, there are two particular principles which the previous speaker mentioned in this bill. One principle is that if the Ontario Heritage Foundation has entered into an



easement or covenant with an owner, then the designation provisions of sections 33 and 34 of the Ontario Heritage Act, 1974, no longer apply so that a particular municipality does not have the need to designate that particular building because that building is already protected.

However, as I understand it, the municipality still has the opportunity to designate buildings on which the Ontario Heritage Foundation does not hold an easement or a covenant with an owner. Therefore, in a sense, we're talking about 20 to 23 buildings on which the Ontario Heritage Foundation holds an easement at this particular time and, I understand, in about 10 of them right now that is being transacted with owners. We're really talking about a very minuscule number of heritage buildings in this province when we talk about easements that the Ontario Heritage Foundation has at this particular time.

[8:30]

The first principle is, if there is an easement between the Ontario Heritage Foundation and an owner, then the designation is no longer valid. The municipality no longer needs to designate, and that's that. If there is no easement, the municipality still has the power under section 34 of the Heritage Act, 1974, to so designate.

However, it is a limited power, as I stated earlier, because if an owner is intent upon destroying that particular historical building, then what happens is after the 270 days the municipality has the option of either expropriating the land or else the bulldozer comes in.

There is still nothing in this present act or in the Ontario Heritage Act, 1974, to protect a particular building which the local community or the province, through the Ontario Heritage Foundation, considers to be important to the heritage of this province. There is nothing that can be done about it. There is no clause in the legislation to protect that building.

The second principle is that finally, five years after 1974, we have the amendment. I understand at that particular time the province was under the impression the municipality had the power to enter into easements or covenants with owners of heritage buildings. It took the Minister of Culture and Recreation five years to bring these amendments, when in 1975 and 1976 municipalities were already telling the minister and the ministry they legally did not have that power. Five years later, we have the amendment. Thank you very much. It could have been five years from now, so let's thank our lucky stars.

What this particular section does is give the municipality the power to enter into an easement, but at the same time, it unloads on to the municipality the financial burden of paying the cost of that particular easement.

The previous speaker made mention of the fact that an owner, if he has a heritage property, wants some kind of incentive. Why should an owner, after all, maintain a particular property, whether it is heritage or not, if the land upon which the building is situated can cost a tremendous amount of money and an apartment building can be erected on that site? Why should an owner maintain it as a heritage property?

Therefore, what the heritage foundation has done in the past is it has provided incentives. Ten to 15 per cent of the value of the property has been mentioned. I understand there is another incentive which could be provided but it hasn't been used up to this particular time, and that is to give the owner an income tax incentive, that is from the time the easement is signed with the Ontario Heritage Foundation, for all intents and purposes, that particular property and land is frozen.

So in essence, what can be done is to say if the building and the land costs this much today, we will give you as an income tax deduction the difference between the value, the cost of the land to the building now and the time of entering into an easement with the property.

Those two particular tools can be used. As I said, the former has been used more readily by the Ontario Heritage Foundation and the latter has not yet been used, but perhaps will.

I want him to think of a municipality that does not have a property tax base. I am in agreement with this bill and we will support it. But as a result of this change of legislation, the responsibility now is going to be on that municipality to preserve that local heritage building.

In other words, the local autonomy issue is a double-edged knife. On one hand it would be good for the municipality to have the power to decide what to do with that particular land. On the other hand that power costs money, at least in terms of the 10 or 15 per cent it would have to give to an owner to entice him to enter into an agreement. What if the municipality does not have the flexibility the provincial government has? What happens to that heritage property?

I suspect the municipality, if they cannot enter into an easement agreement with the owner, can designate the property. But as we suggested earlier, after 270 days, the game



is over. What I want is some assurance here tonight that the Ontario Heritage Foundation and the provincial government, where a municipality cannot afford to provide incentives to an owner to enter into an easement agreement, will go some way to provide financial assistance to that municipality.

As far as I am concerned, that is the only drawback in this legislation. On paper it looks good, but when a municipality attempts to apply it, it is not so good. It might find the funds are not there to provide the incentives to the property owners. Then unless the government or the Ontario Heritage Foundation steps in with some money—some formula should be devised as far as I'm concerned—that property even though it has tremendous significance to the local municipality, will fall to the bulldozer. The bulldozer will wipe it off of the map.

I know some of the people on the board of governors of the Ontario Heritage Foundation and those people definitely would never allow anything like that to take place. They really have at heart the preservation of the heritage of this province. However, I would not want the government to get out of the picture by saying to the municipality: "you have the legislation, you have the local autonomy, you deal with your problem. And if we're going to come some way to help you with the problem, it is a favour we are doing your municipality."

I would not want the government to take that attitude at all, because I don't think the government does anybody a favour in protecting the heritage of this province. As far as I am concerned, the responsibility lies with the provincial government to protect that heritage.

Even though I appreciate the local autonomy issue, nonetheless, there are many things in the field of culture and recreation that are a responsibility of the government of Ontario for the protection and preservation of the heritage of this province and, frankly, for the encouragement of the arts in this province. The government would not give that power to the local municipalities to encourage the arts, would it? We will not get the Ontario Arts Council in each municipality in this province. As I have said, I agree with the legislation. But I have some doubts. I hope the member for Armourdale will put some of those doubts to rest. Even if he does not, I believe this legislation is important enough that it should go through. But I am sure the member and the Minister of Culture and Recreation both know that they will hear from me in a year or a year and a half from now; they can rest assured of that.

I think I have mentioned everything in terms of this legislation except one thing; that is, the property owner which has been the most consistent destroyer of the heritage of this province is the government of Ontario itself, through the Ministry of Government Services. The Ministry of Government Services has some responsibility for all the buildings owned by the government of this province, and the record of that ministry in protecting the heritage of this province has been, to say the least, dismal—at least, in the last two episodes in which I have had some involvement it has been dismal. I am glad the Minister of Consumer and Commercial Relations is here, because he was the one who said the building has got to go.

**Hon. Mr. Drea:** The Don Jail, yes. You're a resident of the Don Jail? I can see why you would be unhappy. And it will come down, my friend—right into rubble.

**Mr. Grande.** Mr. Speaker, I am talking about the heritage of this province; I am not talking about the emotionalism of the moment that could be garnered in one's favour.

**Hon. Mr. Drea:** You'd preserve an old jail?

**Mr. Grande:** However, let us leave the minister to rest where he is. He is capable of creating other problems and doing other things that will not sit well with this province.

Let me say that two years ago the Minister of Culture and Recreation at that time, the member for—

**Hon. Mr. Drea:** Brock.

**Mr. Grande:** Brock.

**Hon. Mr. Drea:** The Deputy Premier.

**Mr. Grande:** Yes, indeed. Two years ago, the minister made a commitment during consideration of those estimates that an inventory of all the buildings owned by the province of Ontario was going to be made. This particular list was going to be made public so that a municipality would not have to go the route of designation and feasibility studies, and the Ontario Heritage Foundation would not have to order a feasibility study and spend thousands of dollars before the minister of the day decided that a building should not be protected, even though the recommendation from both of these bodies was that it should be protected.

I would urge the Minister of Culture and Recreation to come through with that inventory, to come through with that list, so that we know which buildings the Minister of Government Services, the Minister of Culture and Recreation and, indeed, the government



considers to be important to the heritage of the province.

The other point, of course, is that the province, through the Minister of Culture and Recreation, should also be talking to the federal government, because some of the federal buildings should be kept since they are part of the heritage of this province. As of now, I understand that no such agreement has been reached. As a matter of fact, I do not know to what extent any talks are going on.

[8:45]

Let me sum up by saying that this legislation is obviously better than what was in the Ontario Heritage Act, 1974. It has been in the making for five years; it is finally here. This party is glad to support it, but I would like some comment from the government in terms of the assurances to the municipalities that, if they do not have the finances with which to enter into an easement agreement, the province or the Ontario Heritage Foundation will go a long way to satisfy that need.

**Mr. Haggerty:** Mr. Speaker, I would like to address myself to Bill 71, the Ontario Heritage Amendment Act. The purpose of the bill is to allow municipalities to make easement agreements with property owners for the purpose of protecting buildings of local historical interest. The Ontario Heritage Foundation will still act to protect structures of regional or provincial interest and will be empowered to make easement agreements when necessary.

As previous members mentioned, this perhaps narrows it down a little too much, such that the interest of the province will be in such things as regional matters and provincial interests—one can think of historic regional buildings such as the old county courthouses, and perhaps regional jails and buildings of that nature—but nothing that actually relates to the jurisdiction that will fall upon municipalities under the amendments to this particular act.

Also, the bill is meant to improve the present situation, where municipalities do not have any authority to protect a historic property after the 270-day official designation period. The 270-day period is useful as a stalling tactic against intermediate or indiscriminate alteration or demolition by owners. As well, the delay provides time in which the community can participate in the final decision.

I am not quite clear about what the explanatory notes mean when they say: "Section 1, Subsection 4 of section 22 is enacted to ensure that the provision of any easement

agreement or covenant that is held by the Ontario Heritage Foundation with respect to a heritage building will prevail over the alteration and demolition provisions of part IV or the act where the building has also been designated by the council of a municipality pursuant to the provisions of part IV of the act."

As a member of the procedural affairs committee, I think we run into some areas of concern in this particular area. I would like to read into the record portions of the Comay reports because there still seem to be conflicting jurisdictions in this particular area as it relates to the Ontario Heritage Act.

"Municipal councils can withhold demolition permits for designated buildings of architectural or historic significance for a period of 270 days under the provisions of the Ontario Heritage Act. Municipalities also have a right under the Planning Act to withhold demolition permits for any residential buildings until the owner has secured a new building permit for the property. The question has been raised whether the demolition control provisions of the Planning Act should apply to designated historic buildings as well."

It goes on to say:

"The two different kinds of controls are now being provided for two essentially different kinds of situations. The procedures for historic buildings are designed, at least in part, to give the municipality an opportunity to carry out negotiations with the owners so as to find a way of maintaining the building in an appropriate use while preserving its distinctive character. We have recommended specific changes that should assist municipalities for this purpose: improvements in the use of incentive zoning and holding bylaws (in chapter 11) and provision for the acquisition of development rights (in chapter 15)."

I suppose, under the section that deals with easements, what this actually does is give municipalities the right to control through easements. That is what it does. But that has always been under the act, where the Ontario Heritage Foundation had that power and authority to deal with it too. This does away with the mind boggle of the old common-law easement; I think that is the intent of the section.

To continue with the Comay report: "Demolition control for residential structures is designed mainly to forestall the premature destruction of residential housing stock. Provisions of the act do not allow municipalities to prevent demolition indefinitely, but only as long as the owner cannot make another legal use of the property.



"As soon as he is able to secure a building permit, a demolition permit must be granted."

The final paragraph reads: "The problem with historic or architecturally significant buildings is that in many cases the owner can in fact make another legal use of the property if the Planning Act provisions were applied." That is still going to be applied, if the owner wants to do it, if you don't obtain an easement.

"Municipalities would in many cases lose the valuable protection afforded by the 270-day provisions of the Ontario Heritage Act, since demolition would be legally possible. We believe that on balance it is more important that municipalities have the assured benefit of the 270-day waiting period, plus the availability of special zoning provisions and development rights acquisition that we have proposed, than simply the security of being able to withhold a demolition permit until a building permit has been secured."

The report goes on to say, "We are, therefore, unable to recommend that the demolition control provisions of the Planning Act be applied to designated historic or architecturally significant buildings under the Ontario Heritage Act."

That still leaves a question in my mind as to whether this bill will provide safety measures—that council will have the authority to preserve historic buildings. This easement isn't going to provide that. If you don't get the easements, the agreement is not going to be there. It has to be agreed upon. I would like to get clarification on that; it just does not provide the controls a municipality must have if it is going to have some control over historic buildings.

I believe that under the act the Ontario Heritage Foundation does have control, but once this passes on to local governments, and we talk about local autonomy, I think this may cause some problems with additional legal costs. Perhaps the minister should be taking a close look at this.

The other matter I am concerned about is the phrase in section 2 of the bill, "local advisory committee, where one is established." I suppose it shouldn't be a matter of "where one is established," but "shall be established." I don't think municipal councils have enough time today to deal with the preservation of historic buildings in their communities; I think their work load now is rather heavy. To add more to it might cause some oversight and an important historic building might be demolished. I suggest that is an area that should be looked at.

I don't think we should lose sight also of the fact that there are about four different

agencies involved in this bill and that should be mentioned. There is the federal government's Heritage Canada; there is the Parks Canada assistance; at the provincial level there is the Ontario Heritage Foundation; then there is the municipal level; and, finally, we have the private sector. All are involved in this area. In view of this, I should think it almost compulsory that a local advisory committee be established.

These are some of the points I am concerned about in this bill. As my colleague has said, we support this bill in principle, but I am afraid it doesn't go quite far enough to provide protection for some of these historic buildings or sites.

This year the Niagara Peninsula, and particularly the city of Port Colborne, are celebrating the 105th anniversary of the building of the Welland Canal. There are some historic sites located in Port Colborne which relate to the second and third canals. Parts of the old locks are still there, as well as the control weir. These should, perhaps, be preserved for generations to come, as examples of what was quite an engineering feat for the time. There's the old feeder canal that was part of the original Welland Canal that is located in Moulton-Sherbrooke township—the town of Dunnville now—and Wainfleet township. It's of a rather historic nature and it's a beautiful little waterway that should be preserved for generations to come. For some unknown reason, we've let this slip. I hope this year, with the celebrating of this great event, consideration by the Ontario Heritage Foundation and other government agencies and even the private sector which is involved at the present time, they will get all the help they need to preserve this waterway.

I am still not quite clear as to the intent of the bill. As I understand it, there is legislation there now and all this does is just remove it from the authority and jurisdiction of the Ontario Heritage Foundation and give it to local municipalities. I'm afraid there may be additional costs involved there and perhaps some of the grant money can be passed on to the municipalities that want to be involved in this program.

I think it's a good program and I do support it.

**Mr. Lawlor:** Just two points, Mr. Speaker. First, in general terms, the Ontario Heritage Foundation can be—and I warned the government with respect to this point; I have never done it before in the Legislature—subject to very great abuse. The tax concessions with respect to the turning over of so-called antiques, artefactums of various kinds, at an inflated value is a trick of the rich to escape



the responsibility. Those who do the assessing aren't particularly meticulous about what figures they use. In order to acquire the property in the name of the province, whatever it might be, they are rather indulgent towards the price placed by the owner, the entrepreneur, whoever he might be. It's the rich who do this in any event, and in order to escape the tax consequences, they value the thing very high. Some day an investigation is going to have to be made of that whole business because I've had some reference to this kind of manipulation going on.

The other thing is a pure legal point. Of course, on all legal points in this House I address the member for Oriole (Mr. Williams). How can there be an easement without either a dominant or a servient tenement? These things all go together and it's part of English law. Maybe he could correct me on it, maybe I'm wrong. At the very best he's talking about a covenant but all the way through and on the documentation he has given out on this, it is constantly referred to as an easement.

In other words, the front wall, the façade, of the building has some historic interest, et cetera, and you acquire some kind of rights over it. That right, I put it to you, is not an easement by any designation known to English common law or otherwise. Why do they designate it as such? The government owns no other property in the vicinity and in order to acquire an easement, you have to own the property immediately adjacent thereto.

I rather suspect that on that basis someone could attack, at a subsequent date, many of the agreements they are drawing up as being maldesignated, as not having the force and effect, and certainly not the terminological designation they have made of it, and possibly invalidate the whole principle.

I don't want to speak at any great length on the matter. I just bring those two points to their attention and leave them alone.

**Mr. Acting Speaker:** Is there any other member wishing to speak to this bill? If not, the parliamentary assistant in reply.

**Mr. McCaffrey:** First I would like to ask you for some advice. Is this called the committee of the whole House or where are we?

**Mr. Acting Speaker:** No, not yet.

**Mr. McCaffrey:** At what point is it and who decides?

**Mr. Acting Speaker:** I am sorry, at what point do we do what?

**Mr. McCaffrey:** When do we go into the committee of the whole House?

[9:00]

**Mr. Acting Speaker:** After your reply we will see whether it passes second reading or not. I'm asking you to make some reply.

**Mr. McCaffrey:** Terrific. I'm just wrestling with the member for Lakeshore's 17th century definition of an easement. In the meantime I wanted to find out just exactly where we were.

[Let me work backwards and try to answer a couple of the questions—

**Mr. Lawlor:** It sounds very good. You're probably more at home working backwards.

**Mr. McCaffrey:** —raised by the member for Oakwood and the soak-the-rich member for Lakeshore.

The member for Erie specifically asked about the intent of the bill and it's worth touching on. It also alludes to some of the comments raised by the member for Oakwood. "Easements," in the definition used by those in the Ontario Heritage Foundation since 1974, at least, have in 24 instances been used to have some rights over certain buildings in the province to preserve them for historical, architectural purposes, et cetera.

**Mr. Lawlor:** Your taste is very bad.

**Mr. McCaffrey:** The intent of the bill was to give municipalities the same opportunity to write easements to enter into those kinds of agreements. I think it's fundamental to point out that these are voluntary contracts entered into by the owner or owners of a particular building and, in this instance, the Ontario Heritage Foundation, and subsequent to the passage of this amendment, the municipality. That clearly is the intent of the bill—to give what has been since 1974 a useful and important tool used by the foundation to the municipalities as well.

The member for Oakwood—and I can understand this—wants some assurance from other than the good people who make up the board of directors of the Ontario Heritage Foundation that this is not really some kind of a device to thrust additional costs on the municipalities—if that's a fair interpretation. I asked that question myself.

Let me just backtrack and try to answer two things at the same time. My understanding is that in the half a dozen or so matters which prompted this amendment, where municipalities want to enter into their own easement agreements with owners, in every instance the money involved has already been promised by the Ontario Heritage Foundation. One specific one is the property, 187 King Street East, in Toronto. The foundation has already offered a \$25,000 grant.

The municipality, in particular the legal department of the city of Toronto, did re-



quest, I think in 1978, that the act be amended in order that they could enter into this agreement.

I don't see in that instance, and in the half a dozen I have in front of me, that it's a question of the local municipality having to put up any additional money or any money at all. It's still money coming from the Ontario Heritage Foundation. But they will be able to enter into the agreement.

**Mr. Grande:** Are you sure about that?

**Mr. McCaffrey:** I'm sure that's so for the ones I have in front of me.

Let's just jump ahead. Following the passage of this amendment might there be an instance where the municipality, which can now write its own agreement, has to come up with what seems to be a useful yardstick—the 10 per cent or 15 per cent of the market value of that particular building? Will the Ontario Heritage Foundation—I ask myself this—turn a deaf ear to that municipality's request for financial help? I doubt it.

**Mr. Grande:** This government has always turned a deaf ear to the municipalities.

**Mr. McCaffrey:** I doubt it, because of the 24 properties held already by the foundation, those easement agreements already held, who was the initiator of it? It was a combination of people and various historical boards in the municipalities and representatives on the foundation board of directors who together wanted to preserve some of these specific properties.

**Mr. Grande:** Do you know how this government treats school boards and municipalities?

**Mr. McCaffrey:** There is 36 years of faith standing here in front of you. You want more assurances than the past 36 years? Trust me.

**Mr. Lawlor:** Thirty-six years of disillusionment.

**Mr. McCaffrey:** The member for Oakwood also raised an important question regarding the clarification of what appeared to be two parallel contracts; the local designation which the municipalities enter into when they designate a building and the municipalities' passage of this new ability to write their own easement.

You probably have the existing act there, Mr. Speaker. May I read one part of it? On page nine, section 29(4)(b) subsection 4 says: "Notice of intention to designate under section 1 shall contain . . ." and subsection (b) says "a statement of the reason for the proposed designation . . ." As I perceive the municipal easement agreement, it will look not unlike that example we've got. The reasons for the easement agreement will be as

specific as, likely more specific than, any reasons for the designation they would have to itemize.

That was not the member's point?

**Mr. Grande:** No, it's exactly the same thing except that the easement continues for a long time.

**Mr. McCaffrey:** The fact that the designation has a termination time of 270 days is perceived by me at least as being a potential weakness. The easement agreement is stronger. The second part of the amendment we're adding is that when the two are in place, one has to prevail and that the municipal easement agreement should prevail over any existing designation. That's no problem.

**Mr. Grande:** I think you're a bit confused but that's okay.

**Mr. McCaffrey:** Does the member want to ask the question again?

**Mr. Grande:** Maybe.

**Mr. Acting Speaker:** It might be more proper if that discussion went on when you're looking at the particular section in committee.

**Mr. McCaffrey:** I don't think there is anything terribly specific to which I wanted to respond. The original speaker, the member for Kitchener, asked the question about inventory. Is there now such an inventory of government buildings, including this? The member for Oakwood asked about federal government buildings and what is being done now. My understanding is that such an inventory is now being prepared, I assume by the Ontario Heritage Foundation. I don't know what state it's in, quite frankly, but my understanding is that such an inventory of buildings of that type is now being prepared.

**Mr. Grande:** It will take five years to hatch this.

**Mr. McCaffrey:** I don't think it's a question of five years. A very specific request came to the minister in 1978 from the legal people in the city of Toronto. Up until that time, there had been an understanding within the Ministry of Culture and Recreation that municipalities could enter into those kinds of agreements. Those municipalities and Toronto was the first illustration, felt the present act did not permit it. The amendment was drafted in a more recent time period and we're all supportive of that. I don't have anything further to say at this time, Mr. Speaker.

**Mr. Lawlor:** You sure put a bland face on the matter.

Motion agreed to.

Third reading also agreed to on motion.



## RELIGIOUS ORGANIZATIONS' LANDS ACT

Mr. Sterling, on behalf of Hon. Mr. McMurtry, moved second reading of Bill 93, An Act to provide for the holding of Land by Religious Organizations.

Mr. Lawlor: Shades of Henry VIII.

Mr. McCaffrey: Now the sinister part.

Mr. Sterling: In response to an Ontario Law Reform Commission report on mortmain, charitable uses and religious institutions, the Attorney General (Mr. McMurtry) has introduced Bills 93 and 94 to update this very old legislation to take into account modern-day needs. It is important in several minor ways to take care of various problems that have existed in the holding and transferring of organizations that were not formerly covered by the former act.

In addition, this bill extends a convenience that was formerly enjoyed only by Christian and Jewish religions to several other recognizable religions which have now been recognized in Ontario as being of much consequence. It also expands the meaning of the religious organization in a general way to many other religious organizations which are not specifically mentioned in the bill.

It is in effect a housekeeping bill. I say that with some reluctance because sometimes that raises more suspicions than anything else, but in fact it is.

Mr. Warner: Right.

Mr. Breithaupt: Mr. Speaker, I am rather surprised to be called upon to speak on this particular bill rather suddenly. However, the explanation that has been given by the parliamentary assistant is an interesting one. I suppose the House could debate for some time the reason one bill deals with religious organizations and the next bill deals with the Anglican church. I would have thought the House had come to some conclusion, as a result, that the Anglican church isn't a religious organization. Being a Lutheran, I am well aware of the old saw that says one is either a Roman Catholic or a Lutheran or belongs to one of the sects. In this case presumably the Anglicans, unfortunately, are beyond the pale, at least so far as this bill is concerned.

In all seriousness, the parliamentary assistant has clearly set out the fact that there are now a variety of other religious groups beyond the traditional Christian and Jewish congregations within the province. They have come and developed within Ontario as a further development of the multicultural mosaic which we have in Ontario and in Canada.

It is important that these groups with different means of guidance and leadership within their own organizations have the opportunity to acquire property and attend to the things the law imposes and requires in a proper and consistent manner. In the ordinary congregation, with which most of us are familiar, a church board or the operation of the ownership residing in an episcopalian corporation or in a bishop is the traditional thing to which most of us are used. But these are circumstances that now require changes.

I welcome the explanation which the parliamentary assistant has given. I don't know whether it is his intention to have this bill go to committee if there are any particulars which he wishes to further discuss. I will certainly accept his comments with respect to the support given by the Ontario Law Reform Commission. I hope the bill, as introduced, will resolve the concerns of other groups so that they can hold title to properties in accordance with their needs in a proper and consistent manner.

[9:15]

Mr. Warner: I appreciate the opportunity to enter into this debate. I know the Speaker is aware that this bill emanates from a long series of similar acts of the Legislature in Ontario and, prior to that, in England.

I think, as a starting point, we should refresh our memory of the comments made by the Ontario Law Reform Commission in its report of 1976 when it stated that the research for this reference, meaning the need for reform, has demonstrated that many of the laws in these areas have accumulated over the centuries, some of them dating back to feudal times and beyond, and have contributed to what once was described with reference to land law generally as "a rubbish heap which no one except professors in law schools understands"—rather, with the implication that even the professors do not thoroughly understand them or all understand them the same way.

That's the place where we're beginning, along with the comment of the law reform commission that there was a need for some reform and this bill is one small part of the reform which the Law Reform Commission was talking about.

Mr. Lawlor: That gave Allan Leal a chance to confess his own ignorance.

Mr. Warner: The roots of this bill go back and some would trace it, as my colleague Mr. Sterling perhaps would remark, prior to Christ. I don't know whether he has traced it back that far, but I have traced it back to at least Henry I and to 1100.



**Mr. Samis:** I thought he traced it back to Don Irvine.

**Mr. Warner:** Certainly what is interesting to me is that even in 1100 A.D. it's noted that the records of the city of London, England, "comprise of charters granted by the kings as far back as the time of Henry I conceding to the citizens the right to have actions for lands decided according to their own laws." Then, of course, later on there was the charter of King John, which the chair would be familiar with, and later charters that stated precisely that the privilege be extended to lands within the city of London, England.

Of course from there, from 1100 and later, the charter of King John, we find that the Great Charter—that being the Magna Carta, in 1215—talks in several parts about the city of London, because that's the place where the rights were first developed. Section 9 of the charter says: "Let the city of London have all its ancient liberties and customs." Of course one of the customs was that land could be set aside, apart from the fiefdom aspect of land, and could be held, in some cases for religious purposes.

Beyond that, we find references in sections 32 and 36 of the Great Charter. Section 32 forbids "any freeman to alienate so much of his land as will render the residue insufficient to secure the services due to the lord." Section 36 forbids a dodge whereby a tenant gave land to a religious house and thereby got it discharged from all services and then received it back again. What happened, of course, was that the development of both mortmain and charitable uses reflected a concern that the church was abusing the privilege of having lands and how it would dispose of those lands. If I understand the history correctly, that's how the Charitable Uses Act developed.

Beyond 1215, of course, there was a refinement in 1225 of the Great Charter and then, in 1279, what is called the mortmain de religioes.

**Mr. Samis:** Let's hear it for them!

**Mr. Warner:** Which again—and you must be patient here for a moment; how could I lose that reference? Okay; that was 1279. In 1392 there was the Mortmain Act; followed in 1535 by the Statute of Uses; and in 1601 by the Charitable Uses Act.

Of course that legislation, which is commonly known as the statute of Elizabeth I, is really what I would think is a turning point in that it sets out some criteria for charitable uses. It is interesting to note, Mr. Speaker, as you realize, that the preamble to

that statute provided the basis, and if I understand it properly still provides the basis, for this act tonight. That preamble reads:

"... the Relief of the aged, impotent and poor People, some for Maintenance of sick and maimed Soldiers and Mariners, Schools of Learning, Free Schools and Scholars of Universities, some for Repair of Bridges, Ports, Havens, Causeways, Churches, Sea-Banks and Highways, some for Education and Preferment of Orphans, some for or towards Relief, Stock or Maintenance of Houses of Correction, some for Marriages of poor Maids, some for supportation, Aid and Help with young Tradesmen, Handicraftsmen and Persons decayed, others for the Relief or Redemption of Prisoners or Captives and the Aid or Ease of any poor inhabitants concerning payment of Fifteens setting out of soldiers and other taxes. . . ."

That provided the basis for the further developments which result in our having this bill today. I am sure the Attorney General is well aware he is simply following the line of what had been set out by Elizabeth I.

What is interesting is that it did not provide for the courts the opportunity to be definitive about the churches, because in the statute of Elizabeth I they talked about the maintenance of churches. It was restrictive. Much later on, in 1805, Sir Samuel Romilly had to develop what he called the four heads of charity. That was later altered by Lord McNaughton. His classification is very interesting because he still has four, but he talks about the relief of poverty, the advancement of education, the advancement of religion and other purposes beneficial to the community not falling under any of the preceding heads.

I want to zero in on the advancement of religion. He makes the distinction, because the advancement of religion is a more encompassing term than what had come prior to that. It is interesting to note that beyond that interpretation of the court was that the advancement of religion is a very broad term. Hang on just a second here.

**Mr. Breithaupt:** This is great for those who haven't been to law school.

**Mr. Acting Speaker:** While the honourable member is looking for that reference, I might draw the House's attention to the presence in the Speaker's gallery of a former minister of the crown, his wife, and I presume his grandson. They are here on this occasion to see this religious bill going through tonight. I refer, of course, to Allan Grossman.

Applause.



**Mr. Warner:** The argument that is put forward is that the court cannot place one religion above any other. That decision is a breakthrough in terms of religious freedoms. "Purposes conducive to the advancement of religion" is one of the terms that is used.

"The law of England has always shown favour to gifts for religious purposes. It does not now, in this matter, prefer one religion to another. It assumes that it is good for man to have and practise a religion. But where a particular belief is accepted by one religion and rejected by another, the law can neither accept nor reject it. The law must accept the position that it is right that different religions should each be supported, irrespective of whether or not all its beliefs are true. A religion can be regarded as beneficial without it being necessary to assume that all its beliefs are true, and a religious service can be regarded as beneficial to all those who attend it without it being necessary to determine the spiritual efficacy of that service or to accept any particular belief about it."

As I mentioned, that decision, which was in the *Gilmore versus Coates* case, provides a basis for some of the religious freedoms that we have. That brings me to one of the questions I hope the parliamentary assistant can respond to, because in his definition section of the bill the broadest term used is "Christian." I would want to know whether or not that includes the Church of Scientology. They are not specifically named in the bill. I think that what the bill does, if I understand the principle of the bill, is perhaps test some of our principles of tolerance of religious diversity. Does the bill assure the Church of Scientology, for example, that it is included in the definition in section 1 of the bill? That is one question I wanted to pose.

We could move on from 1805 to 1888, which again is a landmark in the development, with the Mortmain and Charitable Uses Act setting out another refinement in the process. What I wanted to set out for the parliamentary assistant was the fact that there are various stages through the development, including 1888 and 1891; but not until 1960, with the Charities Accounting Act, did we revamp it again. Then the Ontario Law Reform Commission report brought it completely up to date.

[9:30]

All of this provides a basis for religious institutions to hold land, to retain some clear identity and to be able to dispose of the lands as they see fit. What's interesting, as I read it, is that there is a contradiction between what Bill 93 provides and what the Mortmain and Charitable Uses Act says. That's sup-

ported in the law reform commission report. There is an interesting section in the report about the holding of land by people other than Canadians. On page 14 under foreign ownership of land, it sets out that there are rules for the foreign ownership of land. They seem to be fairly clear in theory, namely that the holding of religious lands cannot be attained by people who are not resident in Ontario or in Canada.

I understand that, but there is no such connection in Bill 93. In fact part of the bill says that the trustees can determine to sell the land or to lease it for 40 years by a vote of the trustees. My assumption would be that if they decide to dispose of the land or to lease it, as guaranteed under Bill 93, they would automatically be subject to the Mortmain and Charitable Uses Act, which precludes foreign ownership except under special provisions, that is either by licensing or by special provision granted by the Lieutenant Governor in Council. That's outlined in the Mortmain and Charitable Uses Act.

I'm making that assumption without any guarantee in this bill, and that's what I'm concerned about. In other words, does the bill provide an opportunity and is the Attorney General opening up inadvertently a loophole whereby—obviously not the major religions, or we think not the major religions—some of the minor or smaller sects or groups are able by a circuitous route to acquire lands in Ontario held in trust and leased out though those people who are the principals involved are not Canadian citizens and are not resident in Canada?

Secondly, the provision of the 40-year-lease opportunity seems to me to be not restricted to religious purposes but to allow the opportunity to develop commercial interests on lands which were originally set aside to be for religious purposes. I would stress that I'm unclear about those points. I am not saying the bill does provide the opportunity for that, I am simply not clear on it.

I have attempted to read the bill very thoroughly, the report of the law reform commission thoroughly and all of the history on the matter back to Henry I in 1100 as clearly and understandably as I can.

It seems to me the bill may inadvertently provide an opportunity which I don't think any of us want, that is to allow the holding of land by people who are not resident in Ontario nor Canadian citizens. Secondly, when the land ceases to be used for religious purposes it can then be leased for commercial purposes. I don't think that's the intent either.



I would wonder, then, if the minister might comment also upon the possibility of introducing an amendment which would stipulate that the trustees of any such holdings must be Canadian citizens; this would be based on a couple of things.

First of all, I cannot think of either a major or a minor religion which does not involve Canadians. Secondly, the requirements for Canadian citizenship in terms of years is reduced to three; so surely, if we are looking at trustees who are going to be charged with the responsibility of religious holdings, it would be reasonable to expect that those people would be Canadian citizens. Perhaps that is one way of helping to guarantee that the lands will be retained in Canadian hands and that they will be used only for religious purposes and not leased out for commercial purposes.

At this juncture, and realizing that all of us who are concerned with the legislation—including the many members who are glued to the squawk boxes outside the chamber—understand that we have here one small step in a chain that goes back to 1100 and emanates from the Great Charter, among other things, which indeed makes it an important piece of legislation, and not wanting us to make any mistakes on it, perhaps we can spend the next few moments going over some of the remarks I have made and make sure we are not going to make any mistakes before 10:30.

**Mr. Renwick:** Mr. Speaker, I am indebted to my colleague the member for Scarborough-Ellesmere for the outline of the background and history of the evolution of the bill that is before us this evening. I therefore want to comment on only three or four matters which I believe merit comment.

First of all, I want to underline very clearly two of the requests my colleague made to the parliamentary assistant. The first is that it does appear to us to be essential that the act provide that trustees be Canadian citizens. It seems to me that is not only consistent with questions relating to the ownership of land by charitable organizations, that they should be owned by trustees who are Canadian citizens; it is also consistent with the slow but sure evolution, at some point in time, of an adequate government policy with respect to the ownership of land in Ontario, and I think now is the time to make that provision with respect to Canadian citizenship.

Secondly, I reiterate what my colleague said about the fact that charitable institutions as such—whether they are foreign or domestic is irrelevant—are prohibited now by the

Mortmain and Charitable Uses Act from investing in land in Ontario for investment purposes. The point my colleague makes about the provision in this act which permits land to be used, when not being used for the specific religious purpose, for investment purposes by way of lease for terms up to 40 years seems to us to be a significant breach of that principle and one which we should not tolerate here.

We recognize, as well as anyone else does, that a religious institution no longer needing a piece of land would need a turnaround time in order to dispose of that property. But I do not think it should be provided that there should be a lease provision for 40 years and then, in theory, it could be reused again for religious purpose and defeat the purpose of the bill by permitting that religious institution to hold land in perpetuity and in intermittent periods of 40 years have the opportunity to use it for business investment. I think it is much better to require the disposition of that land within some particular stated and reasonable period of time than to grant that authority with respect to leasing.

Those are the two matters which I trust the government will give some thought to, as we will between now and the time the bill is considered in committee of the whole House, to see whether we can devise an adequate amendment which might have agreement of the government and my colleagues in the Liberal Party.

I want to welcome the act, Mr. Speaker. I suppose it's trite to say it is somewhat overdue, but I know how welcome it is to many of the religious faiths in Metropolitan Toronto, and elsewhere in Ontario, particularly to those in the riding of Riverdale. Significant numbers of South Asian people in that riding have worked long and hard in association with the government to try and get this bill before us to extend its provisions to religious communities such as the Hindu community, those adhering to the Buddhist faith, those members of the Sikh community and others of those South Asian communities. In that sense the bill is most welcome and a very real restatement and reaffirmation in Ontario of a most interesting principle, both historically and fundamentally to the law of Ontario, which stands consolidated in 1897 but unrepealed.

In that respect, I'm indebted to the work which the Ontario law reform commission did on this bill. It is quite fascinating that the principle of equality of religions and the practice of religion in Ontario is an ancient part of the tradition. It is quite fas-



cinating that that particular statute, last consolidated in 1897, still remains unrepealed but is not included in the revised statutes of Ontario; nevertheless, it is the law of Ontario.

At this point in time, I think it is worthwhile to quote the recital to that act and the enacting provision, which are both still in force:

"Whereas the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation, and whereas in the state and condition of this province to which such principle is peculiarly applicable it is desirable that the same should receive the sanction of direct legislative authority recognizing and declaring the same as a fundamental principle of the civil policy of the province, therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

"1. The free exercise and enjoyment of religious profession and worship without discrimination or preference provided the same be not made an excuse for acts of licentiousness or a justification of practices inconsistent with the peace and safety of the province is, by the constitution and laws of this province, assured to all Her Majesty's subjects within the same."

I was rather concerned when the parliamentary assistant indicated that perhaps this was simply a housekeeping bill. In fact, it is a modern reaffirmation of a fundamental principle of the constitution of this province with respect to religious freedom, an essential, basic and fundamental ingredient of the kind of society which we in Ontario, and all members of the House I'm sure, are anxious to preserve, enhance, develop and protect.

This bill, in a very real sense, reaffirms that particular aspect of religious freedom. I would hope that when the time comes, as it is coming very soon now—and I'm glad that the legislative counsel of the assembly is here—when the time comes to revise the statutes of Ontario for 1980, this particular provision of the revised statutes of 1897, which remains on the statutes of the province of Ontario but is not consolidated, would be brought into the statute books so that we could be seen to reaffirm positively, in the existing statute books to which reference is made by so many people, this particular and very fundamental principle.

[9:45]

I think it does not depart too far from the principle of the bill, to urge upon the government the importance of considering the other portions of the report of the Law Reform Commission of 1976 dealing with mortmain

and charitable uses in religious institutions, because that report indicated very clearly the fundamental ingredients of the considerations that would have to be given with respect to the ownership of land in the province of Ontario, that we can no longer go along without a clear and definitive all-embracing policy with respect to the ownership of land by residents of Ontario and by non-residents of Ontario, whether they be from elsewhere in Canada or from other countries.

That particular report outlines the necessary framework in which the government could develop the kind of policy which the select committee of this assembly on economic and cultural nationalism touched upon clearly in their report, but which has been ignored so long by this government. I think it is worthwhile and appropriate that this report could be referred to in that context, as I have done very briefly.

I welcomed the bill in the terms that it is of such immense importance to so many people now in the province of Ontario that it is a fundamental step forward, as I know we all agree it is. It seems to provide an ongoing framework which would mean we will not have to amend it to include other organizations, because it provides for a method of establishing whether or not a religious organization will meet the tests which are set out in the statutes, even though it is not one of the religious organizations which is delineated in the inclusive part of the definition in the statute.

It is a good bill. I hope the parliamentary assistant will give consideration to the two specific concerns we have, particularly the concern that the provision in the bill relating to trustees should require that trustees of these religious institutions should be Canadian citizens.

Mr. Samis: I was so inspired by the history lesson given tonight by my colleague, the member for Scarborough-Ellesmere (Mr. Warner), that I thought I would make two very brief comments.

First, I welcome the bill, for a variety of reasons. I want to specifically commend the government in its outline of various religious groups to be recognized for including what I think is the only indigenous religion in the entire list, and that is the Longhouse Indian religion, a very important religion in the traditions of our particular part of the province.

I think the ultimate irony of this entire debate tonight is that the member for Carleton-Grenville (Mr. Sterling) is the member piloting the bill through the Legislature, when one considers the traditions in history of the southern part of his riding and neighbouring



Dundas, and what organization has been paramount in that riding since the inception of Upper Canada, I think it is a true indication of how Upper Canada has now progressed to the stage where we can recognize not just the second religious group but the multiplicity of religious groups. I commend the government for its initiative.

**Mr. Sterling:** I would like to thank the members who participated in this debate. I would like to indicate it is true this bill indeed is founded on the principle of religious equality, and in fact it still is a bill which will give effect to that principle. First of all I'd like to say to the member for Kitchener. I was not aware that he was a member of the Lutheran faith, but I thought I might add that my great, great grandfather was the first Lutheran minister in Canada. Although I do not profess to that faith at this time, I thought that might be of interest to you.

**Mr. Peterson:** It's not interesting to him at all; he founded the church.

**Mr. Sterling:** With regard to some of the points raised by the member for Scarborough-Ellesmere (Mr. Warner) in reference to other religions or smaller sects which are not specifically mentioned in this bill, the definition section outlines what in fact a religious organization is to be defined as. Later in the bill there are provisions whereby a religious organization or an organization professing to be a religious organization can go to county court or Supreme Court to determine if they do fall within the purview of that general definition. So that any particular sect can go to this bill to get recognition and there is a practical way for them to determine whether or not they do come under the provisions of this bill.

I would point out that this bill is really a method of holding land for religious organizations. Some religious organizations would rather hold it through incorporated companies and a lot of the various religions do it that way.

I also wanted to point out there's basically a very large difference when you're talking about the mortmain issue and you are talking about this particular act.

**Mr. Peterson:** He doesn't understand what mortmain is; he read the word in a book today.

**Mr. Sterling:** The foreign ownership issue is a mortmain issue, it has nothing to do with this particular piece of legislation. The mortmain act requires a foreign corporation to buy a licence in order to either lease or hold land or buy land, or it can qualify through having an extraprovincial corporation licence if it

comes under the Ontario Business Corporations Act. So, that particular legislation is designed to take care of the problem of foreign ownership.

Whether or not the trustees of the organization are Canadian citizens or not, quite frankly I look at that as being somewhat irrelevant in connection with this bill. For instance I cannot see the difference between a landed immigrant being one of the trustees and a Canadian citizen being one of the trustees. The land that is held by the trustees is held for a charitable purpose, and if the land is sold or leased the proceeds must be devoted to charitable purposes. Whoever the trustee is is not so important as to how the trust is held.

**Mr. Renwick:** It should be within the jurisdiction of the court.

**Mr. Sterling:** The other question that was brought up was the right of the religious organization to lease land for commercial purposes. I know within the communities that I represent, there are many churches that are leasing part of their building, for instance to daycare centres. They do that on a continuing basis. I don't think that would fall under the purview of the section that it was for a religious purpose as such. When you think of commercial organizations, when you think of commercial uses, it's difficult to delineate between a commercial and a non-commercial use. The restriction is when they acquire the land, hopefully, or practically, the use of that particular land must be in accordance with the wishes of the members of that particular religious organization, as outlined in section 6.

Now, the advantages of this particular act are not so all-encompassing that I can see anyone wanting to create a religious organization to avoid going through any particular matter. As I mentioned before, for a relatively minor amount of money they could incorporate and be right out of the purview of this act in totality.

At any rate, I would indicate to the member for Riverdale, too, that the old act which this replaces allowed a 21-year lease provision with a renewal period of 21 years, as outlined in the law reform and that was basically why the 40-year period was picked.

We intend to amend one section of the bill in committee of the whole House.

Motion agreed to.

Ordered for committee of the whole House.

#### ANGLICAN CHURCH OF CANADA ACT

Mr. Sterling, on behalf of Hon. Mr. McMurry, moved second reading of Bill 94, An



Act respecting the Anglican Church of Canada.

**Mr. Sterling:** I would indicate to the member for Kitchener that I am not a member of the Anglican church, but at any rate, the idea of putting this in the form of a public bill is that historically the Anglican church had a public act going back into the 19th century. The law reform commission recommended that we proceed this way to implement this legislation, basically in order to save the church the cost of bringing in a private bill, as the other religions mostly do have their own special legislation. That is basically the reason for doing it by way of a public piece of legislation rather than a private bill.

**Mr. Breithaupt:** Having dealt with religious organizations, it is now a pleasure to turn to the Anglican church as some group not otherwise included in the previous bill. Presumably a branch of the Christian faith, they are still worthy of having their own legislation and I suppose that is fine.

I am reminded of the story of an early pope who, in viewing some captured persons from Great Britain, was told that they were Angli—they were from Great Britain. His response was, "Non Angli sed Angeli." Because of their fair hair and blue eyes and the opinion that persons had of what angels should look like, he felt they were not Angles, but rather angels.

I presume if we update the Latin phrases, we are now dealing with what would be the response of the pope of the day; "Non Angeli sed Anglici." In other words, not angels, but Anglicans.

The end result is that we have this legislation which reminds us, of course, of the strong traditions within the province. The Anglican church in Canada has been involved with the very fabric of the formation of our province. As we look back into the background of this legislation and we see references to the effect of legislation passed in the third year of the reign of Queen Victoria and in the involvement of the Church of England in Upper Canada, which, of course, existed as a division of our nation from 1841 to 1867, we can see how the traditions of that church have been to hold title to property, particularly with an overview and involvement of the bishop in a diocese.

[10:00]

I note in the second section that the organization of ownership of that land continues the involvement of the congregation, but also the responsibility and authority of the

bishop, which is the tradition of that church and which, of course, is just fine.

I think it is prudent to have this as a piece of public legislation now so that the statutes of the province will show an updating with respect to the entire series of ownerships of property within the province. I believe that bringing forward this bill is indeed a prudent thing and it certainly has our support.

**Mr. Warner:** Mr. Speaker, as you well know, the New Democratic Party has supported the Anglican church in the past—

**Mr. Peterson:** Anglicans don't vote for socialists.

**Mr. Warner:** —does support the Anglican church today, will continue to support the Anglican church tomorrow—

**Mr. Peterson:** You support any left wing cause.

**Mr. Warner:** As the member for Kitchener mentioned to me earlier—

**Mr. Peterson:** You'll hitch your wagon to any minority fringe group.

**Mr. Warner:** —this bill is important. I certainly recall, as the member for London Centre recalls, the young Anglican priest who, at the time of his very first sermon, asked the bishop, "What shall I preach about?" The bishop gave him very wise advice: "You should preach about God in about 15 minutes."

**Mr. Peterson:** Is this parliamentary humour?

**Mr. Warner:** It will take a while to sink in, I am sure.

We certainly support Bill 93. It is a companion bill to the one we previously discussed and it is certainly worthy of support.

**Mr. Bradley:** The member's best speech yet.

**Mr. Renwick:** Mr. Speaker, I just want to make certain that the member for Kitchener understood the reason for a separate bill. The Anglican church in Canada stands ever poised and ready to be established as the established church here—

**Mr. Breithaupt:** We live in hope.

**Mr. Renwick:** —and we wouldn't want to have to disentangle it from the other institutions of religious faith in order that that might happen. With the latter-day version of the Family Compact in power in Ontario, their hopes continue to exist that some day they will be so established.

**Mr. Breithaupt:** Shades of Bishop Strachan.

**Hon. Mr. Grossman:** Let's hear it for the Family Compact.



**Mr. Renwick:** I suppose the history of Ontario in religious equality is nowhere better mirrored by the fact that Egerton Ryerson started out life as an Anglican and ended up as a Nonconformist and John Strachan started out as a Nonconformist and ended up as an Anglican bishop.

As my colleague said, because of the long tradition of association of New Democratic Party members with such venerable institutions as Trinity College of the University of Toronto, we will support this particular bill.

**Mr. Peterson:** You can't get in there if you're a socialist, surely.

**Mr. Sterling:** Mr. Speaker, I would just like to thank the members for their comments in relation to this particular act. As I said in my opening remarks, this bill provides special provisions so that the Anglican church can disentangle itself and make special rules in relation to its hierarchy as opposed to the general law that would be applicable to all.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

#### RELIGIOUS ORGANIZATIONS' LAND ACT

Consideration of Bill 93, An Act to provide for the holding of Land by Religious Organizations.

**Mr. Breithaupt:** Mr. Chairman, could we have the advantage of seeing the amendment which has been proposed by the ministry?

**Mr. Warner:** That is on section 11.

On section 1:

**Mr. Warner:** I listened carefully to what the parliamentary assistant said about the description of the religions. If he wouldn't mind going back over that, I would appreciate it.

In section 1(1)(b) reference is made to "religious organization" means an association of persons." It then goes on in a subsequent paragraph to describe "Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof."

Am I to understand that description may include the Church of Scientology, for example, or some other similar type of smaller group, sect or faith? Am I correct in that assumption?

**Mr. Sterling:** Basically, the section is broken into two parts. In referring to the two words after section 1(1)(b)iii "and in-

cludes," the general rule is before that. In other words, the court would look at that part; then the other part further delineates these other religions that are named.

**Mr. Breithaupt:** What you are saying is that if some group said they were Unitarian, for example, that of itself would be sufficient to avoid having to go through the particular subheadings of that definition. It would be simply accepted without further inquiry. Therefore, the section is not meant to be exclusive at all, but simply descriptive.

**Mr. Sterling:** That's correct.

**Mr. Renwick:** I did want to point out to the parliamentary assistant what I believe he said earlier about the question of leasing property for an ancillary purpose such as a day-care centre or some such other operation. I think that indicated he missed the point my colleague had been trying to make. We recognize very clearly you can't make that kind of a distinction. The bill specifically provides in section 1(2) that, "In interpreting subclause (i) of clause (b) of subsection 1, an organization does not cease to be charitable for the reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose."

The point we have been trying to make, and which we will make at the appropriate time with respect to the 40-year lease provision, is that you can very clearly say whether land is being held for investment or is not being held for investment purposes. In that instance we can deal with the topic under those terms and not be diverted by the kind of distinction which I thought the parliamentary assistant was trying to make in reply to my colleague on second reading.

**Mr. Breithaupt:** Mr. Chairman, with respect to section 1(2) and the interpretation that the member for Riverdale has given, is it not correct that in effect the Assessment Act is the tool which is used with respect to discovering whether property, no matter how it is owned, is to be used and therefore taxed?

Would not the provisions which he has referred to take care of the day-care centre or the other ancillary business operation under assessment and the decisions of the courts with respect to dormitories and residences and other matters that we have seen over the years?

I would have thought that would have been resolved in that the use of a property might bear certain taxes or other burdens,



even though the title to the property would be attended to by this act.

**Mr. Sterling:** Mr. Chairman, my interpretation of section 1(2) is that it is specifically to provide that the religious organization can do acts like leasing its basement to a day-care centre, or a women's association holding a wedding banquet and making some money from serving.

Section 1 agreed to.

Section 2 agreed to.

On section 3:

**Mr. Warner:** Mr. Chairman, I have an amendment to section 3, and it would be subsection 7; so if there are comments prior to that, perhaps you would want me to wait to see if there are comments to subsections 1 to 6.

**Mr. Breithaupt:** May we have copies of the amendment, Mr. Chairman?

**Mr. Warner:** I explored my concern with the parliamentary assistant and, having been assured that I am right, it was necessary to draft an amendment.

**Mr. Chairman:** Mr. Warner moves that section 3 be amended by adding thereto the following subsection:

"7. A trustee shall be a Canadian citizen."

**Mr. Warner:** Mr. Chairman, I first apologize for the short notice, but I wanted to—

**Mr. Sterling:** On a point of order, Mr. Chairman: I am sorry that I have to raise a point of order on this particular issue, but we are to be given some notice of these amendments; we have not received any notice of this amendment and, therefore, I think the amendment is out of order.

**Mr. Warner:** Mr. Chairman, speaking to the point of order: I certainly understand the rules well. The rule says where possible there should be two hours' notice. It is not mandatory.

**Mr. Haggerty:** The bill has been on the order paper for a couple of months.

**Mr. Warner:** Earlier, during the second reading, I attempted to explore my concerns, and they were confirmed. Had my concerns been allayed, I would not have entered the amendment. There is nothing out of order; there is nothing to preclude me from putting forward an amendment.

**Hon. Mr. Grossman:** You could have given him notice of the amendment and withdrawn it if you were concerned about it.

**Mr. Warner:** The member for St. Andrew-St. Patrick might wish to read the rules.

**Hon. Mr. Grossman:** Like this afternoon?

**Mr. Renwick:** Mr. Chairman, on the point of order: Before the acting House leader of the government party has an apoplectic fit over the question—

**Hon. Mr. Grossman:** I am very upset about it.

**Mr. Renwick:** —we as always would co-operate. If the government wishes time to consider the amendment, we would be quite prepared to co-operate. If the acting House leader of the government party would move that the committee rise and report, we could always consider the matter at some future time rather than to get into, at this hour of the night, an excited debate over a technical question with respect to the application of a rule of the assembly.

[10:15]

**Mr. Breithaupt:** Speaking to the point of order: Surely we have had the circumstance very often in this House where amendments are brought forward, particularly from the government side, on bills that are before us, and copies wherever possible are given to the critics involved in the debate. However, surely other amendments, as we well know, come up from time to time in committee and are attended to. I would hope that this amendment, if it's the wish of the member to bring it forward, can be discussed by the House without any particular strain.

**Hon. Mr. Grossman:** I'd be happy to co-operate.

**Mr. Sterling:** Mr. Chairman, I would like to withdraw my objection to the amendment.

**Mr. Warner:** Mr. Chairman, what I'd like to do is put forward my reasons for placing the amendment, and if the parliamentary assistant would like some time to reflect on the matter, I would be most pleased to have it stood over for a while.

My concern is that I believe that notwithstanding the Mortmain and Charitable Uses Act which was passed in 1970 and amended in 1972, the bill we have does not preclude foreign ownership of lands that were originally set aside for religious purposes. It is of concern to me, as it was to the select committee of this Legislature looking at the foreign ownership of lands in Ontario, that we increasingly have a problem of our land being consumed by people who are resident outside Canada.

It would seem to me that since this bill directs itself to land being held by religious organizations, and the implication being that those are organizations here in Ontario, we would want to guarantee that the trustees of such organizations are in fact Canadians.



The requirement for Canadian citizenship has been reduced to three years. It is almost inconceivable to think that the trustees of a religious organization, if it's a serious organization, would be people who are not Canadian citizens. Would they rise to such a position of trust and responsibility in less than three years? Would it not make sense that if the religious organization is important and substantial in our community, it would not be composed of people who are Canadian citizens?

I would argue that they would be, and that they are, they probably are. Then why not try to close the loophole which is evident, clearly evident now from the discussion we've had on second reading? Why not close that loophole at least part way? We will perhaps require an amendment later on, but let's close the loophole part-way by saying that the trustee shall be a Canadian citizen.

In closing, if other members of the assembly, including the parliamentary assistant, like some time to reflect on this, I would be quite happy to have this section stood down and we could carry on with the remaining sections. I'm certainly not one to pressure things through, but I think it would be one of the small guarantees we could make in this House to help retain ownership of lands in Ontario by people who are resident of Ontario or, at least, Canadian citizens.

**Mr. Breithaupt:** Mr. Chairman, it's a difficult subject to address, I think, in this amendment. I have brought forward, on a number of occasions, amendments to various statutes in order to require voting and a variety of other responsibilities to be the prerogative of Canadian citizens only. We won't go into the meaningless phrase, "or other British subjects," a phrase which doesn't mean anything in law any longer. But I find this amendment a curious one because, to me, if trustees can be decided upon who are Canadian citizens, and the beneficial ownership within a congregation might be a group of landed immigrants who have not, as yet, achieved citizenship, then the fact of requiring Canadian citizenship for the trustees of that group doesn't resolve the problem to which I think the member for Scarborough-Ellesmere seriously addresses himself—that as soon as you use the word "trustees," they are holding something in trust for themselves and others.

To make citizenship a sole requirement with respect to being a trustee in that case, does not to me resolve a problem of what could be, and clearly was referred to, as "foreign ownership." Where we are dealing with a tract of industrial land, a recreational area around a lake or whatever it might be,

the assessment rules as to use and taxation, as well as the other laws that involve themselves in ownership and use of property—whether it be by zoning for the taxation framework—are things which will be dealt with whether the trustees of a particular religious congregation happen to be Canadians or not.

So in first considering the amendment brought forward, I find my desire to have Canadian citizenship an important factor in voting for members of this Legislature, and indeed, the only factor as it's long overdue, or for being involved as a benchner of the law society, or for example, as a member of the board of governors of a university, however it might be, is seemingly to me a more important theme than this item. I don't see very much being resolved by this amendment, but I'd like to hear the parliamentary assistant's views.

**Mr. Renwick:** Mr. Chairman, perhaps I might make a comment because of the remarks of the member for Kitchener. I think he sees the failure to include "landed immigrant" in the definition amendment as an exclusionary provision with respect to some of the religious organizations who may wish to use the statute for the purpose of establishing their right to hold land.

In the consideration we gave this, with the present three-year provision of being in Canada as a landed immigrant before your eligibility for Canadian citizenship, we did not feel that with most of the communities—and I'm thinking particularly of the South Asian communities in my riding; the Sikh community, for example and other such communities—that would be a problem. Nor do I think it would be in any way seen as a restriction on anything related to their religious freedom or their right to hold land for religious purposes.

If, however, it were to be seen that way, because in voting we have never adhered rigidly to the principle of Canadian citizenship and have admitted British subjects, as the member knows, I would have no problems. I think the Canadian citizenship is the appropriate way to do it. I have no particular problems. Perhaps my colleague would have no particular problem if we were to amend it to include immigrants or Canadian citizens.

I think we were more concerned that the wording "Canadian citizens" was an easier way of dealing with the matter. We were very much concerned about foreign nationalists who were not landed immigrants or Canadian citizens being the trustees of land in Ontario being held for religious purposes



in Ontario. It was that problem we were addressing. We do not think it is wise for the trusteeship of land in Ontario for religious organizations to be in the hands of persons who have no connection whatsoever with this country.

There is the problem of the jurisdiction of the courts over trustees as such. We recognize that in order to tidy it all up we would also have to say "resident in Ontario" to be within the jurisdiction of the court technically. Nevertheless, if they are landed immigrants or Canadian citizens and they are within Canada, the question of attorning to the jurisdiction of the court is not an insurmountable problem of service in the other jurisdictions across the country.

In the comments that are made, I would like to say to the parliamentary assistant that if my colleague is agreeable we would accept the subamendment or agree to amend that to provide that it read "a Canadian citizen or a landed immigrant" if that would meet the problem about which we are concerned.

**Mr. Sterling:** Basically, I really don't know the purpose of this exercise. The land is here, the books of the trustees are here and the court has jurisdiction over that property. The trustees are not the beneficial owners, as the member for Kitchener pointed out.

**Mr. Warner:** I missed that.

**Mr. Sterling:** They are not the beneficial owners of the property. The trustees are not the beneficial owners.

**Mr. Renwick:** They have the legal title to the property.

**Mr. Sterling:** They have the legal title to the property and they must act in accordance, under section 6, with the wishes of the religious organization that is there. If you are transferring title or accepting title from a religious organization, you should make certain that the religious organization has in fact approved by resolution what the trustees are doing.

I don't know anywhere in our laws where we prevent foreign ownership. I may or may not disagree with that philosophically, but I don't know any precedent for including it in this particular piece of legislation.

The other thing is, I do not see any reason to encumber the legislation with rules. We are going to be dealing with the idea of this particular piece, to simplify a process of law to let a congregation hold land by way of trusteeship rather than by incorporation. That is the idea of the piece of legislation. So what do we do? We start to put strictures

on what a trustee must be. Must he be a Canadian citizen or must he be a landed immigrant, or whatever!

I don't think it is fair to these organizations, first of all, to make the distinction between a landed immigrant and a Canadian citizen. They may very well appoint a trustee who is not a Canadian citizen. I object more strenuously to the amendment in terms of restricting it to Canadian citizens, because the group might very well, in error, appoint a trustee who is not a Canadian citizen. He may be the sole trustee and therefore where would all the conveyancing go in terms of that piece of land down the road?

Is that enough reason to attack the title to the property because a landed immigrant was the sole trustee who signed the particular conveyance? The protection is in section 6. That is a religious organization, they control the trustees.

[10:30]

**Mr. Warner:** What about section 10?

**Mr. Sterling:** Section 10 is controlled by section 6.

**Mr. Warner:** Such terms and conditions as they consider expedient.

**Mr. Sterling:** Section 6 says they can't exercise any powers conferred upon them by this act until they are authorized to do so by resolution of the religious organization. So they have to take whatever mandate they get from the religious organization. I think we're going very far. We're trying to make the thing more complicated than it should be. We're trying to simplify this thing for religious organizations.

Another matter that may be of interest is that I think when you're dealing with religious organizations, as the member for Riverdale pointed out, we are talking about equality and we are talking about equality in religions. I don't know whether that doesn't transverse the nationalistic point of view; are we discriminating then against certain religious people because of the fact that they may have a trustee who is not a Canadian citizen? I don't know, I just think we're encumbering the act more than it needs to be. I just don't see the necessity of this particular amendment.

**Mr. Chairman:** Are there going to be further comments on this amendment?

**Mr. Warner:** Yes.

On motion by Hon. Mr. Grossman, the committee of the whole House reported progress.

The House adjourned at 10:30 p.m.



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No. 60

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Friday, June 1, 1979

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

FRIDAY, JUNE 1, 1979

The House met at 10 a.m.

Prayers.

## ORAL QUESTIONS

### DARLINGTON NUCLEAR PLANT

**Mr. S. Smith:** I will question the Premier, Mr. Speaker.

I wonder if the Premier recalls the last days of the Duplessis regime when it was necessary, in order to draw attention to the high-handedness of that entrenched government, for three students to park themselves outside the office of the then Quebec Premier until he finally agreed to what were indeed reasonable demands.

I wonder if the Premier has any reflections on the obvious parallel between the Duplessis era and the situation now where three people have had to resort to climbing the tower at Darlington simply to try to force this arrogant government to have an environmental assessment hearing on what is after all, the largest nuclear plant yet undertaken by Ontario Hydro—

**Mr. Speaker:** The question has been asked.

**Mr. S. Smith:** —a hearing which was refused on the basis of time and yet now there are many additional years which are there. The hearing could be heard under the government's own legislation. Why does the Premier insist on refusing them?

**Hon. Mr. Davis:** Mr. Speaker, I am not as familiar with the political history of Quebec as is the honourable member and, in that I live in the present and look to the future, unlike him, and in that he knows far more about arrogance than any of us on this side of the House, the answer is no.

**Mr. Cunningham:** The Premier never answers a question.

**Mr. S. Smith:** Since the answer is itself a reflection of the very regime about which I have spoken, may I ask what possible excuse there is for the Premier to deny an environmental assessment hearing regarding the Darlington project, since the original excuse was that the matter had to be rushed through and that the year or so delay would be a dreadful and expensive matter? Now

that Darlington itself has been delayed for several years, what possible excuse can there be for telling these people, who have resorted to having to go up that tower and who have said that their intent is to stay there, that the government still won't abide by its own legislation and have a proper environmental assessment hearing?

**Hon. Mr. Davis:** I realize the honourable member is not too concerned about the economic aspects of any of these problems in the province. I recognize that the leader of the Liberal Party would delay any project that will provide employment, a degree of economic security and availability of power supply.

**Mr. Haggerty:** There are other alternatives.

**Hon. Mr. Davis:** While the on-stream dates for Darlington have been delayed, it is also true that a great deal of work will be going on, and many job opportunities will be provided. The thought of probably a two-year delay in terms of an environmental hearing, which then would mean that the contracts would be delayed two years, which could mean substantial financial commitments on the part of Hydro and which could mean the loss of a substantial number of jobs, happens to be a concern to this government. It is quite obvious from the various utterances of the leader of the Liberal Party of Ontario that jobs are not of interest to his party, but they are of some interest to us.

**Mr. Van Horne:** Oh, get serious.

**Mr. Cassidy:** Supplementary: Since it is the position of the government that there should be environmental assessments on all major projects which are undertaken, beginning at some point in the future, is the Premier now saying that the government does not believe that environmental assessments in fact will be carried out on major projects? How can he explain why it is that on this particular project, whose start-up date has been delayed by a total of five years since 1977, there is now no time to undertake something when the reasons for delaying the environmental assessment and not having it at the start no longer apply?

**Hon. Mr. Davis:** This government introduced what is probably the most comprehensive and far-reaching legislation on



environmental issues that one will find anywhere in this country or in the United States.

**Ms. Gigantes:** You haven't applied it to Hydro once.

**Hon. Mr. Davis:** In fairness to the member for Ottawa Centre, who raised this issue some many months ago, before the Leader of the Opposition probably understood it, I say to him the answer is the same. Certainly it is the policy of the government to have some major work submitted to environmental assessment. It was the decision of this government on this issue that it would not be.

**Ms. Gigantes:** You have excluded every Hydro project.

**Hon. Mr. Davis:** I would be interested to know if the Leader of the Opposition, in the absence of his colleague from the far northwestern part of the province of Ontario, will be urging us to have an environmental assessment on Atikokan, to delay it two or three years. Before he answers that, he had better check with his colleague.

**Mr. S. Smith:** We believe in the law. The government passed the law.

**Hon. Mr. Davis:** Oh, come on. You are up and down, across, sideways and in every direction.

**Mr. Breithaupt:** Supplementary: Since the Premier is busy praising the Environmental Assessment Act and since a project like Darlington is probably the largest project and one of the most important in the history of the province, why would Hydro not have planned in its own background the opportunity for these necessary or predictable delays, as the Premier refers to them, if the act was in fact used?

**Hon. Mr. Davis:** With great respect to the member for Kitchener, whose knowledge of this is far greater than that of his leader—

**Mr. Cunningham:** You are stretching it. Answer the question.

**Hon. Mr. Davis:** Well, it is true, it is. I would say to him that while he says it is the largest project, if he were to take the megawatt production from Darlington vis-à-vis the megawatt production from Pickering, he would find that Darlington is not in fact substantially greater than Pickering.

**Mr. S. Smith:** The capital cost is higher.

**Hon. Mr. Davis:** It is more in dollars because dollars today don't buy as much as they did when Pickering was built. In relative terms, with great respect to the member for Kitchener, he is exaggerating the situation and exaggerating it substantially.

He knows how to do mathematics but his leader doesn't. He knows full well that if he took the dollar terms of Pickering today, related to what the projected cost of Darlington is, his statement that it is the most significant or largest is just not factually correct.

**Mr. Breithaupt:** It is certainly a major project.

**Hon. Mr. Davis:** Certainly it is a major project. That's right. I am glad to see the member is backing off a little bit. One thing I would say to the Leader of the Opposition is that some of his colleagues are somewhat more fair and objective.

**Ms. Gigantes:** Supplementary: I would like to ask the Premier, doesn't it worry him that the Environmental Assessment Act will never be used for an Ontario Hydro project and that Darlington may be the last chance he will have to do an environmental assessment of a nuclear power program? Doesn't it worry him that the Environmental Assessment Act of Ontario is becoming known as the best piece of unused environmental legislation in North America?

**Hon. Mr. Davis:** I realize that the honourable member for Carleton Place is knowledgeable about environmental legislation all over the world. She travels extensively, and she has constant communication. But I think if she looked at it objectively, if that is possible for her so to do, she would discover that the environmental legislation, the environmental policy and the care that Ontario Hydro gives to environmental issues are superior to that of any other public utility, and that the policy of this government is more specific and has been adopted and pursued more so than in any other jurisdiction she knows of on this continent.

**Mr. Breaugh:** Tell them that in Pickering.

**Ms. Gigantes:** When are you going to use the legislation on Hydro?

**Hon. Mr. Davis:** I know she won't acknowledge that. It would be against her principles ever to suggest that is the fact.

**Mr. Breaugh:** That's garbage.

**Mr. Mackenzie:** There is no control of Hydro at all.

#### SALES TAX ON ENTERTAINMENT

**Mr. S. Smith:** I have a question I will direct to the Premier in the absence of the Minister of Revenue (Mr. Maccek) or the Minister of Culture and Recreation (Mr. Baetz). It is with regard to the government support of Canadian cultural talent, including professional Canadian cultural talent,



I refer to Bill 58 which recently passed in this House and received royal assent. Specifically, I refer to the deletion of section 4. This deletion, I admit and I apologize to the people of Ontario for it, was sneaked past us. I apologize for letting the government sneak it past us.

**Hon. Mr. Davis:** Oh, come on!

**Mr. S. Smith:** And by you. Just listen and you will see.

Interjections.

**Mr. Speaker:** Order. Please put your question.

**Mr. S. Smith:** It refers to the fact that whereas Canadian talent used to be provided with an exemption from the provincial sales tax when such Canadian talent was booked into an Ontario theatre—this was by ministerial exemption—that exemption can no longer be given except in the case of amateur groups or groups that are receiving public assistance.

**Mr. Speaker:** Will you please put the question?

**Mr. S. Smith:** Given that we have in Ontario and in Canada a policy to prefer and assist Canadian talent with regard to prime time on television and with regard to the record industry, why did the government take away this particular benefit? Has it received any representation from the Canadian talent industry asking that the matter be reconsidered?

**Hon. Mr. Davis:** It is quite obvious that the leader of the Liberal Party of Ontario is becoming increasingly desperate these days. I have sensed this for the past 10 days, ever since he probably voted for Bill Kempling, which I am always suspicious that he did.

**Mr. J. Reed:** Is the Premier going to answer the question?

**Hon. Mr. Davis:** I will say to the member for Halton-Burlington that it is a horrible confession for his leader and all of his party to make, to say that they didn't look at legislation that was approved by the members of this House and to come in here today and say it was snuck through.

**Mr. S. Smith:** You sneaked it by us, and we admit it.

**Hon. Mr. Norton:** What are you talking about?

**Hon. Mr. Davis:** If the Liberals are acknowledging to the public of Ontario that they do not bother to read the legislation before voting for it, then I have to say—

**Mr. Breithaupt:** The minister didn't report it and we were not aware of it.

**Hon. Mr. Davis:** —they are very derelict in their responsibility. It was there in black and white. Even the leader of the Liberal Party should be able to read it. I would say with respect, if he now says he didn't want to pass that legislation, where was he when it was done?

**Hon. Mr. Norton:** They are totally irresponsible.

**Mr. Breithaupt:** All that aside, will you reconsider it?

**Mr. S. Smith:** By way of supplementary, given that we have heard from the Canadian talent who themselves were not told about this; given that the theatres tell us they were not told about this; given that the bill was put forward basically as a budget bill and that there was no reference to it in the budget; given that the minister made no mention of the matter during the debate—we have checked Hansard—

**Hon. Mr. Grossman:** Did the Leader of the Opposition read it?

**Mr. S. Smith:** Yes.

**Hon. Mr. Grossman:** And he didn't understand it.

**Mr. Speaker:** Order.

**Mr. S. Smith:** —given that the minister made no reference to it, what I ask now, and I apologize for letting it be snuck by like this—and so did the NDP—

**Hon. Mr. Grossman:** Sneaked by?

[10:15]

**Mr. Speaker:** Order. Is there a question in there some place?

**Mr. S. Smith:** The question is, and the Premier has not answered it, has he received representation from outraged people within the Canadian talent industry pointing out that now that the bill is being put into effect they are suffering from it? And will the government reconsider that matter?

**Hon. Mr. Davis:** This has to be one of the most incredible moments for the Leader of the Opposition. I never dispute his disagreeing with government policy. I never dispute his opportunity to say he doesn't agree with legislation. But to have the unmitigated gall to come in here this morning and say that legislation was snuck by, if that is proper grammatical phraseology, has to be the most ludicrous thing I have heard from a Leader of the Opposition in years.

Interjections.

**Hon. Mr. Davis:** I don't say for a moment that everything we legislate represents perfection, but the Leader of the Opposition always wants to talk about sharing responsi-



bility. If there is something the honourable member doesn't like to approve of, why doesn't he assume some of the responsibility and say to people that he goofed in his opinion?

**Mr. S. Smith:** I apologized to the members.

**Hon. Mr. Davis:** He apologized, but why doesn't he say he made a mistake?

**Mr. S. Smith:** Are you going to reconsider it or not?

**Hon. Mr. Davis:** As a matter of fact, I can't say. I haven't seen any representations. Certainly, if there are representations, I will take a look at them.

**Mr. S. Smith:** You will receive them, I assure you.

### NUCLEAR PLANT SAFETY

**Mr. Cassidy:** I have a question of the Premier, which also relates to the question of nuclear power.

In view of the confirmation by Ontario Hydro that there are substantial heavy water leaks at the Rolphton nuclear power plant and that those leaks are far more serious than the routine housekeeping which the Minister of Energy (Mr. Auld) told us was taking place while that plant was closed over the course of the past couple of months; in view of the fact that those leaks have led Hydro to delay the reopening of that plant past the May 31 date that was predicted earlier, will the Premier undertake to have Hydro keep the Rolphton nuclear power plant closed until this Legislature can have a full report on all the safety aspects of the Rolphton plant, including the leaks? Will he also undertake that the plant will be closed until the matter of safety at Rolphton has been fully investigated by the select committee on Ontario Hydro affairs?

**Hon. Mr. Davis:** This matter has been discussed, I think, on two or three occasions, with some lack of unanimity across the House, as I understand it.

**An hon. member:** Is it housekeeping or not?

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** Am I wrong in saying there is lack of total unanimity? Isn't that a very objective statement? I can only say that the Atomic Energy Control Board and Ontario Hydro are as conscious, and more so, of safety at Rolphton and anywhere else, as the leader of the New Democratic Party.

Quite obviously Rolphton will not be opened by AECB and Ontario Hydro until they are satisfied it is safe.

**Mr. Cassidy:** Supplementary: In view of the fact that just in the last three or four weeks

we have had problems about radiation exposure of workers at Bruce, we have had leaks in nuclear power plants both in Pickering and in Rolphton, we have had problems with the boilers of Babcock and Wilcox, can the Premier not understand that the concerns about nuclear plant safety will not be resolved just by leaving the matter to the Atomic Energy Control Board? Will he, therefore, not agree that the Rolphton plant, which is insignificant in terms of power supply for Ontario at this time, should remain closed until these matters of safety can be fully investigated by the public's representatives here in this Legislature through the select committee on Ontario Hydro affairs?

**Hon. Mr. Davis:** Mr. Speaker, I take nothing away from the abilities of the members of this Legislature, and I mean that sincerely. But I also suggest, with respect, to the leader of the New Democratic Party that there are sometimes temptations on his part and on that of others to partisanize a very sensitive and important issue. The decision is that of AECB, which is the statutory body that controls the safety of these plants. If I were in the member's position, I am not sure I would say, as he is attempting to say, that he has the competence to second-guess. I would say to him what I said in the answer to his first question, that the Atomic Energy Control Board and Ontario Hydro are concerned about, are sensitive to and I think have demonstrated, in any objective analysis, a very thoughtful approach to the planning and operation of the nuclear system in this province.

I understand it is the growing philosophy of the honourable member's party, as particularly represented by the member for Carleton East, that it would call a halt to the nuclear program. That party would probably shut down all of the existing nuclear facilities if she had her way. That party would take away 30 per cent of the generating capacity of this province, with all of the economic implications that are maintained in that.

**Ms. Gigantes:** I have a supplementary question, Mr. Speaker—

**Mr. Speaker:** Order. If it is just for a supplementary question, in the proper rotation of things it goes to the member for Halton-Burlington.

**Ms. Gigantes:** I have a point of privilege I would like to raise before a supplementary question.

**Mr. Speaker:** Point of privilege?

**Ms. Gigantes:** I have a point of privilege. The Premier has suggested to the House that



my position is that every nuclear plant in Ontario should be closed down. I would like to tell this House that that is not my position at all and that the Premier and the members of his cabinet should refrain from saying that.

**Hon. Mr. Davis:** Speaking to that point of privilege, I want to say—and I want to say this in public—how encouraged I am that the member for Carleton East is now in support of the nuclear program in this province.

#### RULES OF THE HOUSE

**Mr. Foulds:** On a point of order, Mr. Speaker: Yesterday afternoon after question period I drew your attention to standing order 19(d)(9). I suggest to you that the Premier's previous statement and his second previous statement with regard to his imputation of motives to my colleague from Carleton East falls within the ambit of that rule and that you should have called the Premier to order. I draw that to your attention with the greatest of respect. Otherwise, we are going to get into these incidents that have plagued this House over the past week.

**Hon. Mr. Davis:** I wasn't talking about motivation; I was talking about a point of view.

Interjections.

**Hon. Mr. Davis:** Certainly I am talking about a point of view. If one sat on this side in the House and read the reports from the select committee, one would gain the impression that the member for Carleton East was less than enthusiastic about nuclear energy, and I think that is a valid assessment to make.

**Mr. Speaker:** The member for Port Arthur did, quite properly in his mind, get up and draw my attention to the possibility of a violation of the standing order with regard to another member imputing unavowed motives.

I have looked at the matter and, since you raise it again today, I do not think there is any relationship to what went on yesterday afternoon or what was said this morning with regard to imputing unavowed motives. I think that members of the House are far too sensitive when somebody gets up and says, "I think such and such a member holds a particular point of view." If in the mind of someone else that is not a correct position, or it is not a correct assumption, it is quite proper for that member to get up and deny that.

The member for Carleton East has an opportunity to do that. I do not think it is

really any big deal. We have differences of opinion here every day. For the honourable member to suggest that every time there is a difference of opinion there is a violation of the standing orders, I think borders on the ridiculous.

#### NUCLEAR PLANT SAFETY (continued)

**Mr. J. Reed:** Mr. Speaker, a supplementary to the Premier, in connection with the Rolphton matter: I wonder if the Premier would undertake to advise those caucus members who sit on the Hydro select committee to support an immediate examination by the select committee of the Rolphton situation while Rolphton is still shut down, as we had previously requested but which had been rejected in the select committee.

**Hon. Mr. Davis:** Mr. Speaker, I always am prepared to discuss certain issues with members of our caucus. But, unlike the Liberal Party of Ontario, I do not direct our members, who are there to act in the interests of the people they represent, to take dictates from me. I know the member's leader wanders in on occasion and whips his people into line to satisfy a particular position. But we are independent thinkers on this side of the House. We are prepared to make some of our own judgements. I cannot say to the honourable member that I can impose my will on the members on that particular committee. He may run his store that way; we do not. So I cannot give that undertaking.

While I am on my feet, Mr. Speaker—on a matter of personal privilege—when the Leader of the Opposition reflects this weekend, and I am sure he reflects every weekend, on the suggestion that we sneaked something by, I would say to him to please take the bill home and look at page whatever it is; I guess it is opposite page four—

**Mr. S. Smith:** Just a moment. What is this on?

**Hon. Mr. Davis:** It is a matter of personal privilege. The Leader of the Opposition said we sneaked something by. Let him read it. It was there; it was printed. Reread it.

**Mr. Speaker:** Order.

**Ms. Gigantes:** Mr. Speaker, we all know that the Premier of this province is the most sensitive person alive—

**Hon. Mr. Davis:** Without doubt. That's what my wife tells me.

**Ms. Gigantes:** —so I would like to ask him whether it does not ruffle his sensitivity just a little when the director of nuclear generation for Ontario Hydro says he cannot estimate



the amount of radioactivity that is being emitted by the heavy-water leaks at the Rolphoton plant?

**Hon. Mr. Davis:** Mr. Speaker, if the honourable member is asking me whether I agree with her that I am the most sensitive person around, the answer to that is yes.

**Ms. Gigantes:** I did not ask that.

#### RECRUITMENT OF FOREIGN WORKERS

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Labour and Manpower, arising out of yet another attempt by a multinational corporation to find skilled workers abroad rather than get them here in this province.

Can the minister explain why Rio Algom has applied to Canada Manpower to import, from Britain, 130 skilled tradesmen such as mechanics, electricians and millwrights, for its operations up in Elliot Lake? Can he explain why there were no requirements for the training of skilled workers here in Ontario, since the province is advancing, through Ontario Hydro, a sum approaching \$300 million for the uranium contracts which it has undertaken with Rio Algom and Denison Mines in Elliot Lake?

**Hon. Mr. Elgie:** Mr. Speaker, first of all, with regard to the reference by the leader of the third party to the Ministry of Labour and Manpower, I would advise him that we are well along with internal discussions regarding that projected mandate. I would expect there will be an announcement some time within the next few weeks about the exact delineation of the nature of the transfer of power.

In the meantime, as he well knows, I would like to refer those two specific questions to the Minister of Industry and Tourism and the Minister of Education (Miss Stephenson).

**Mr. Cassidy:** I redirect the question to the Minister of Industry and Tourism, Mr. Speaker.

**Hon. Mr. Grossman:** Mr. Speaker, I would say to the leader of the third party that obviously in the course of a year, as I made quite clear a couple of weeks ago to the House, there are several hundred firms which approach us to use our selective placement service. Offhand, I would not know whether or not that particular firm has used our selective placement service. They may have gone directly. I obviously could not tell him that this morning.

If in fact they have used the selective placement service, I can assure the member that in each and every case the process I

outlined to the House a couple of weeks ago is followed. I will be pleased to find that out for the member and report to the House on Monday.

**Mr. Cassidy:** I redirect the question to the Minister of Education as well, Mr. Speaker.

**Hon. Mr. Grossman:** You can't do that.  
[10:30]

**Mr. Cassidy:** Can the Minister of Industry and Tourism explain why it is that Denison Mines, which has got the other major share of this multibillion-dollar contract being paid for by the taxpayers of Ontario through Hydro has, in just two years, trained more than 100 mechanics after the union involved resisted the company's efforts to go abroad to Britain to bring those workers in from abroad? Why can't this be done as well in the case of Rio Algom, rather than having Rio Algom bring 130 workers in from another country, when they should and could be trained among workers here in this province?

**Hon. Mr. Grossman:** I'm not prepared to answer a question based on certain premises that the member wants to advance this morning, not knowing myself whether the information he is offering us is true. I would prefer to get the facts of the situation and I'll deal with all of those things on Monday. I know the member would want me to have that information so we can have an intelligent dialogue on the problem, and I'll do that.

**Mr. Wildman:** Can the minister indicate, in a general sense at least, that he is committed to the proposition that young people graduating from high school in North Shore and in Elliot Lake should be able to gain jobs in their own area rather than leave and go elsewhere?

**Hon. Mr. Grossman:** I am not only committed to that personally but through the efforts of my colleagues, the Minister of Labour, the Minister of Education and, certainly, the Minister of Northern Affairs (Mr. Bernier), plus other representatives such as my seatmate, the Provincial Secretary for Resources Development (Mr. Brunelle)—

**Mr. Lupusella:** He doesn't know anything.

**Hon. Mr. Grossman:** —have affirmatively indicated in an aggressive way, not only our commitment to that, but that our commitment is no less equal and, perhaps, surpasses the commitment that the member can so easily talk about from the third party on that side. We have some track records to prove it. Our commitment is there, and the member can't



presuppose from the circumstances surrounding one company of which I don't even have the details that our commitment isn't—

**Mr. Warner:** You are doing nothing.

**Mr. M. Davidson:** The minister of wild rice contracts.

**Hon. Mr. Grossman:** —every bit as strong as his. It is.

**Mr. Cassidy:** When the minister reports back to this House, would he care to explain why it is that Rio Algom has made no effort to expand its 25 trainee positions in Elliot Lake in the 15 months since Ontario signed a multibillion-dollar contract for uranium with that particular company? Why is Rio Algom only training 25 workers when it's going abroad for five times that number under the application to Canada Manpower?

**Mr. Wildman:** Why can't we do the same for Denison mines?

**Hon. Mr. Grossman:** Of course, I will deal with the selective placement portion of that question to the extent that I can, although one of my colleagues might have more appropriately answered that question. I can assure the member that I will have that information next week.

#### FIBREGLASS STUDIES

**Mr. B. Newman:** Mr. Speaker, I have a question of the Minister of Labour. Is the minister aware of the potentially harmful effects in both the manufacturing and the handling of fibreglass as has been found in Japan indicating those who had been exposed to fibreglass dust now suffer from a lung disease called pneumoconiosis? Will the minister implement a monitoring project so that he could find out, in the early stages, if there is that harmful effect in both the manufacturing and the handling of fibreglass?

**Hon. Mr. Elgie:** Mr. Speaker, I'm well aware of the fact that a variety of studies over the years have indicated that fibreglass was a relatively inert substance that was not known to create any pathology. As the member quite properly points out, there are a few reports that have come out of Japan recently that have a contrary point of view.

During consideration of my estimates, one of the members raised the suggestion that Dr. Selikoff of New York had, indeed, published some material. We contacted him directly some weeks ago and he indicated that although he was in the midst of some studies, he had not submitted any reports yet or drawn any conclusions. But, all of that having been said, I don't think we can ignore the fact that there may be reports somewhere

indicating that there may be some harmful effects from fibreglass. I instructed staff some weeks ago to arrange for a meeting with labour and management representatives to discuss the very problem the member has raised and then proceed with further investigation of those studies.

**Mr. Blundy:** Mr. Speaker, I would like to ask the Minister of Labour if, in the light of this new thought that has been expressed by the member for Windsor-Walkerville, are all precautions being taken in the work place in the Fiberglas Canada Limited plant in Sarnia, the largest manufacturer of fibreglass insulation, to make sure this is being monitored? Would the Minister of Labour further undertake to have the Workmen's Compensation Board keep abreast of this situation in case certain cases come up in the future that are based on this new concept in the work place?

**Hon. Mr. Elgie:** First of all, I want to make it very clear that there have been many well-respected authorities who, as recently as two years ago, have indicated quite clearly that fibreglass is still considered by them to be an inert, harmless substance. What I said to the member for Windsor-Walkerville, and I will repeat it again, is that any information to the contrary has to be followed up.

I hope the member is not implying that we now have massive information that it isn't inert, because that isn't so. There are some suggestions from new studies. We can't ignore those and we have to proceed to review any new device that comes up.

Certainly I will involve the board and keep it informed. We will proceed to discuss the problems with a variety of companies, including Fiberglas Canada, and with labour representatives to make certain there is no validity—or, indeed, that there is validity—to the suggestions that have come out of the Japanese studies.

#### WESTINGHOUSE CANADA

**Mr. di Santo:** I have a question for the Minister of Industry and Tourism about the critical situation in the electrical industry in Hamilton. In view of the fact that Mr. C. F. MacNeil, the plant manager of Westinghouse Canada Limited, where 700 jobs are about to be lost, was quoted in the Hamilton Spectator as saying: "Looking at the Canadian switchgear and control market through American eyes, they couldn't see why it couldn't be supplied from Buffalo and Pittsburgh"; and in view of the fact that since we last asked the minister questions about employment in the electrical industry



in Hamilton the situation has become worse with electrical jobs in that city falling below the 1974 level of 2,600 and 700 lower than last year, doesn't the minister think it is just possible that Mr. MacNeil's prediction will come true?

Doesn't he think that with the lowering of the tariffs as a result of the GATT negotiations more jobs may be lost? What does he intend to do, since his ad hoc grants to industries won't solve the problem?

**Hon. Mr. Grossman:** I think if the member will recall our discussion on this earlier he will note that at that time we were reflecting on the need for certain changes in the electrical industry. One of the changes most firms are having to go to in order to compete is specialization in certain products and rationalization of their operations throughout North America. The changing GATT situation is a fact of life.

What Westinghouse is doing now is what most firms in the electronics industry are doing, and that is looking at the different products made in different plants and tending to treat the entire North American market, if not the world market, as the market for each particular product. They look at their whole family of plants and decide which products should now be made in which plants. That is a strategy that more and more firms, regardless of their field, are going to have to adopt with the new tariff competition.

**Mr. di Santo:** That's the strategy of the multinationals. What's your strategy?

**Hon. Mr. Grossman:** I don't know what Westinghouse in Hamilton is ultimately going to decide. I wouldn't be surprised if some of the consequences the member has talked about do occur. That is why we are anxious to get Westinghouse to agree there would be no layoffs, but that any reduction in employment would be through attrition.

None the less, I do want to emphasize this point: It is likely that if Westinghouse concludes the product specialization it might have to move to require some decentralization, firstly, employees there will be given the first opportunity to move into whatever decentralized operations are developed—

**Mr. di Santo:** What if they move to the States?

**Hon. Mr. Grossman:** Let me finish. Secondly, I am quite confident that a fair number of plants into which they may decide to decentralize their operations will be plants in this province. We will work hard to ensure that occurs if, in fact, that is the business decision they make. It's relevant to remind ourselves that one of the reasons firms go

through these exercises, when tariff changes occur or at certain points in time—

**Ms. Gigantes:** This doesn't make sense. You don't make sense.

**Hon. Mr. Grossman:** —is in order to remain competitive, so that instead of folding up entirely and going home to the United States they find a different way to run their operations in the province, which keeps that employment in this province.

**Mr. di Santo:** Or they go to a non-union shop.

**Mr. Wildman:** They're just going to avoid the union.

**Mr. S. Smith:** How can the minister accept both theories which Westinghouse floats from time to time, when the two are in contradiction? Does he not realize in fact, they suggest on the one hand they might have to pack up and rationalize the operation into one big central switchgear plant in the United States, and on the other hand, they speak about a whole lot of small decentralized plants all over Canada replacing the present profitable operation in Hamilton?

Does the minister not understand what they are really saying is they want to close the switchgear plant in Hamilton and either ship it back to the States or decentralize to small non-union plants all over the rest of Canada? Why is he sitting back and letting them advance that particular proposal in this day and age when surely unionism must be accepted as a fact of life?

**Hon. Mr. Grossman:** I think it is relevant to point out that one of the problems with the electronics industry over the past many years has been a failure to anticipate some of the changes that occur down the way. That particular operation must be looked at by Westinghouse in terms of a profit centre. In those terms we understand from the firm it isn't as profitable as it once was.

**Mr. S. Smith:** It is still very good.

**Hon. Mr. Grossman:** Well, it isn't as profitable as it once was. I think it is important that firms carrying on business in this province understand they don't have to wait until a particular operation becomes totally unfeasible and totally unworkable to assess the alternatives. The member opposite would be properly critical of government for failing to anticipate its own concerns in that way.

If he wants to resolve the issue down to whether or not they are escaping the union, then let me tell him we have discussed that matter with them and from everything we can see and everything they have indicated to us at this time, that does not appear to be



one of their strategies. The member may be able to prove otherwise and if he does, both the Minister of Labour and I would be anxious to receive that information.

I should point out the Premier, the Minister of Labour and I have now received extensive delegations from both the union and the company in an attempt to trace down that particular matter and others.

Obviously, one of the points Westinghouse is well aware of—they are not naive, they are very familiar with the situation—is that even if the strategy the member is suggesting was their strategy, the experience of every firm anywhere in North America is that if they do decentralize to get away from the unions, the unions follow. They are not going to be one or two years behind the game. There aren't very many places they could go in Ontario which would work for Westinghouse where the union won't arrive. That isn't advice I am giving them; that's information of which they are well aware. With respect, I want to say categorically, we put that question to Westinghouse, and we have seen no indication from them in writing or orally that would indicate that is part of their corporate strategy in making that move.

I think it is important for the Leader of the Opposition to attempt to approach this issue, certainly in his own constituency, on the two grounds. The first is they are trying to escape the union. If they are, I would like to receive information.

**Mr. Speaker:** The honourable minister is beginning to repeat himself.

**Hon. Mr. Grossman:** Mr. Speaker, I should say the entire series of questions on Westinghouse was debated extensively in this House a couple of months ago. The opposition has raised them again and I think it is fair to put on the record that the two concerns are escaping the union and, secondly, they have the freedom to remain competitive by assessing their operations from time to time. I think they have to address that in a sensible fashion.

**Mr. Mackenzie:** A supplementary, Mr. Speaker: Does the minister not feel there is a possibility he may have been conned? Does he know the first 60 employees in the meter division of that switchgear department who have been told they are finished at the end of the year have already been denied the right to transfer to the replacement plant in Alliston and company personnel have clearly indicated they don't intend to give them that right?

When will this human waste end? When are we going to start considering those 700

employees and the 60 who have already been told they are finished and have been denied the right to transfer? Is that not verification of the attempt to get out from under the contract? When is the tail going to stop wagging the dog in a situation like this?

**Hon. Mr. Grossman:** I would wonder, in view of that recent situation, whether those 60 employees have not been given the opportunity, instead of moving to Alliston, to be relocated in other parts of the Hamilton operation. I believe that is the case, isn't it?

**Mr. Mackenzie:** The rest of them are going also. They have been denied the right, where they have asked for it, to go to Alliston.

[10:45]

**Hon. Mr. Grossman:** We've now clarified the impression the honourable member intended to leave that the 60 employees were being cut loose.

**Mr. Mackenzie:** The rest of them are going at the end of the year.

**Mr. S. Smith:** Why can't they go down to Alliston?

**Hon. Mr. Grossman:** In fact, instead of being either cut loose or forced to go to Alliston, the company is making efforts to relocate them within Hamilton, which I suspect, if we ask the 60 employees, they would prefer to do. All their rights are being protected as employees of the company and they are being left in the community in which they are working. I bet they would prefer to do that than be forced to go to Alliston.

**Mr. Mackenzie:** Within a matter of months, 700 more are going. Where are they going to transfer to?

**Hon. Mr. Grossman:** Clearly, we understand those 60 are not being cut loose. The member should get the facts straight or not try and leave a wrong impression in this House.

**Mr. Mackenzie:** You are being conned.

**Mr. Foulds:** You wouldn't know a fact if you stumbled against it.

**Mr. Speaker:** Order! The honourable the Minister of Labour has the answer to a question previously asked.

**Mr. Renwick:** He believes what the corporations tell him. That's all he does and he calls it fact.

**Mr. Speaker:** Order: The Minister of Labour has the floor.

#### RADIATION FROM X-RAYS

**Hon. Mr. Elgie:** Mr. Speaker, recently the member for Renfrew North (Mr. Conway)



asked several questions regarding the qualifications of Ministry of Labour X-ray equipment inspectors and the types of tests they conduct.

The ministry currently employs two radiation physicists and six technicians within the radiation protection branch. The physicists hold advanced degrees and are directly involved in the X-ray inspection program. The six technicians have community college level training, supplemented by specific on-the-job training in carrying out routine equipment inspections.

The radiation protection branch inspects X-ray machinery used by veterinarians, educational institutions where medical and dental practitioners and their assistants are trained, industrial and research establishments. The inspections are aimed at ensuring the health and safety of the equipment operators and other workers.

In these inspections, the adequacy of X-ray shielding is checked and examinations for radiation leaks are made. Techniques and work practices are studied to minimize dosages received by workers. Dosimeter badges and other appropriate devices required for personnel dose monitoring are checked. Electronic interlocks and other safety switches and devices on the equipment are tested for accuracy and should overexposures occur, these incidents are investigated and directions are issued to prevent reoccurrences.

#### CHOICE OF PHYSICIAN

**Hon. Mr. Elgie:** The member for Welland-Thorold (Mr. Swart) also asked me a question on May 18 regarding section 21(1) of the Workmen's Compensation Act. Recently that member asked a question regarding section 21(1) and the power of an employer to order an employee to attend a medical examination conducted by a doctor chosen by the worker's employer. I would like to advise him that although section 21(1) exists in the act, there have never been any regulations enacted regarding the application of this section.

Currently, should an employer believe that circumstances exist such that a medical examination might be warranted, the employer may request that the board arrange for the employee to be examined and his claim reviewed under section 24 of the act. The board will then arrange for an examination either by one of its own doctors or through referral to an appropriate outside specialist. I might also add that the employee may also request this review himself under section 24.

I can state quite categorically that under the provisions of the act the employer has no right to insist that an employee present him-

self for examination regarding compensation by a legally qualified practitioner provided and paid for by the employer. Thus it would follow that an employee's refusal to submit himself for a medical examination by a doctor chosen by his employer and at the wishes of the employer, for a workmen's compensation matter, would not constitute grounds for repercussions against the employee.

#### CHARGES AGAINST WOMEN

**Mrs. Campbell:** My question, Mr. Speaker, was originally to the Solicitor General, who I believe is lurking in the wings.

**Mr. Breithaupt:** The Attorney General awaits without.

**Mrs. Campbell:** My question, Mr. Speaker, is this: Has the Solicitor General undertaken any investigation into those cases where the police have laid charges against women as a result of charges which they sought to lay, or did lay, in assaults? Can he tell this House what the circumstances are under which the police are laying these charges, since there is an element of intimidation to women in this province as a result of this course of action?

**Hon. Mr. McMurtry:** Although I don't have precise figures, I am advised that such charges are relatively rare and are only laid when the police have reasonable and probable grounds to believe the allegation of assault, usually a sexual form of assault, is a false charge.

This is a matter I have reviewed with senior members of both the Ministry of the Attorney General and the Ministry of the Solicitor General. I am assured these charges are laid only where the police have strong evidence. When I talk about reasonable and probable grounds that the allegations are false, what I am really talking about is strong evidence, evidence on which they believe they can secure a conviction, which of course must be based on proof beyond reasonable doubt. As I have already indicated, it is relatively rare for these charges to be laid. Occasionally it is necessary, in order to protect the rights of innocent people who may be innocent victims to false serious allegations.

Having said that, I would want to assure the member for St. George and all members of the Legislature that I personally would be very much opposed to any police conduct that would have even the perception of intimidating any individual from bringing forward allegations that should be brought forward and pressing charges that should be pressed.

**Mrs. Campbell:** Supplementary: I appreciate the Solicitor General's remarks but



would he not feel there should be some public statement in this matter so that women do not feel they are first going to have to prove their case to the police before it gets to the courts? Many women are concerned about this new procedure. And it is new. In view of the fact that, as far as women are concerned, in cases of assault there has been a history of great difficulty in getting the cases to the courts, would he not believe it would be timely to make a public statement to reassure women in this province?

**Hon. Mr. McMurtry:** I would hope the dialogue in which the member for St. George and I are now engaged would at least be a form of public statement and form of reassurance to any people, women or otherwise, who may be concerned about this issue.

I am not sure I can agree with the member for St. George when she states that this is a new development. It has been in the news recently, I appreciate that, and the member for St. George refers to two occasions. Considering the size and population of this province, the fact that two charges have been laid for public mischief or otherwise in relation to what the police believe to be false allegations, does not in my view, with the greatest respect to the member for St. George, represent any trend or new policy in this direction.

I reiterate that individuals, male or female, must be protected from the consequences of individuals making false allegations that lead to criminal charges. I know the member for St. George would agree totally with that. When we talk about the number of charges that are laid in sexually-related assaults, the fact that two individuals have been charged in the circumstances that have been mentioned really represents an infinitesimal fraction of the complaints that are made from week to week.

I just want to reiterate as forcefully as I can that the police regard the problem of assaults and violent attacks of any nature, particularly if they are sexual attacks, as matters that must be given the highest priority so far as law enforcement is concerned. Certainly it is our attention in the Ministry of the Attorney General to prosecute vigorously all cases in which there is evidence to lay a charge. Actually, the rate of conviction in the last several years, since the amendments to the Criminal Code, has increased somewhat significantly.

But as the member for St. George is very concerned about this, and properly so—we have discussed it outside the House, as well—I wanted to make it clear that the attitude of the police in this province is to encourage

any citizen to bring to them proper, well-founded allegations of criminal activity, whether it is criminal assault, or any other criminal offence.

#### COMMITTEE HEARINGS

**Mr. Wildman:** I have a question for the acting government House leader. Since, despite all the posturing by the Leader of the Opposition and the Liberal House leader yesterday, the Liberals last night demonstrated, if not their incompetence, their indifference to the investigation of the Babcock and Wilcox boiler controversy last night by failing to muster enough voting members at the resources development committee to combine with the NDP—

**Mr. Speaker:** What is the question?

**Mr. Wildman:**—to force the scheduling of the committee and the consideration of the Hydro annual report referral, can the acting government House leader assure us that the government will agree to a committee recommendation if it is made to the assembly, to refer the matter immediately to the public accounts committee?

**Hon. Mr. Grossman:** Of course the circumstances surrounding any request would have to be considered by the government in the ordinary course of affairs. There is a procedure set up for this, Lord knows—as we went into yesterday—and at such time as the committee may make that recommendation there is the House leaders' forum set up to negotiate those things and try and work out scheduling.

I might add, when we are approaching the summer season particularly it is very difficult for one committee to arbitrarily recommend that another committee be seized of a matter without having consulted with that committee. That is why the Speaker's panel and the House leaders' forums have been set up. If that recommendation comes, I can assure the member the government House leader will be happy to take it up with all the appropriate forums and do so expeditiously, so the committee can know what course of action is open to it during—I suppose just after returning from Dryden next week.

**Mr. Foulds:** What authority did the government House leader leave you with this week?

**Hon. Mr. Grossman:** Just to try and keep you folks well-ordered and under control, which indeed is a difficult task.

#### JOB INFORMATION FOR STUDENTS

**Mr. Van Horne:** I have a question for the Minister of Labour. Given the promise in



this year's throne speech of a new emphasis on providing guidance information on job markets and training opportunities in the industrial sector, and given last year's throne speech promise of a specially-designed program to satisfy the manpower needs of industry, can the minister tell us if his ministry is now providing job opportunity information for the Ministry of Education student guidance service?

**Hon. Mr. Elgie:** First of all, with regard to the second-to-last matter the member raised, as he well knows the employer-sponsored training program was the program that was referred to in the previous speech from the throne. That is well under way, maybe not to the satisfaction of that member but it is expanding all the time. The number of community industrial councils now number 30 and the number of trainees enrolling is increasing.

With regard to the labour market information service, it was established, I believe, last summer or in September. It has started to try to gather that sort of information. It is a very difficult task and it is one of the matters we have been dealing with at the ad hoc advisory committee level that was established very recently.

We have had some good recommendations from that committee. We are vigorously pursuing one suggestion they have made with regard to a method of gathering such data about the needs out there so we can match the skilled training to those needs. I expect efforts will be made to gather that information, which will be much more accurate than what we have been able to gather to date because of the changing data base that has been offered to us by Statistics Canada. I think it will give us some of the information we have been unable to gather accurately up to the present time.

[11:00]

**Mr. Van Horne:** Supplementary: I appreciate the initial response in so far as the manpower needs of industry go, but the question is: is that information being relayed to the guidance people in the province of Ontario? Secondly, given the at least six months to one year lead time to program any of this information the minister is now just looking for, is he not really telling us that the student guidance information service for the students in Ontario will not be apprised of the job market and training opportunities until at least the school year 1981-82, two years behind time?

**Hon. Mr. Elgie:** Mr. Speaker, I am advised by my colleague, the Minister of Education, that the information we have been able to

gather—and again I must say I am not entirely satisfied that the material available to us from Statistics Canada, which changes and is withdrawn periodically, is adequate—will be made available to the school system in September. I again emphasize that I have much greater hopes for the new thrust the advisory committee has recommended with regard to more accurate and informed information about the Ontario scene. I trust that sort of information, if we are able to proceed as planned, will be available in late fall.

### SUCARYL MARKETING

**Mr. Isaacs:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Is the minister aware that Abbott Laboratories Limited is conducting a promotional campaign for Sucaryl, which is sodium cyclamate powder, a low-calorie sweetener recognized as a carcinogen, banned for human consumption in the United States and banned as a food additive in Canada?

Is the minister also aware that as part of that promotional campaign free samples of the stuff are being handed out in supermarkets to everybody who passes by, and free cups of coffee containing this cancer-causing compound are being handed out to customers in supermarkets? Whether or not the minister is aware, is he prepared to undertake that his ministry will take immediate action to ensure that promotional campaigns of carcinogens of this kind are stopped?

**Hon. Mr. Drea:** Mr. Speaker, I am not aware of it, but I will take immediate action. In about 30 seconds I will call the responsible part of the federal government in Ottawa which has jurisdiction over it, something the honourable member could have done yesterday if he was so alarmed about it.

### REPORT

#### STANDING ADMINISTRATION OF JUSTICE COMMITTEE

**Mr. Renwick,** in the absence of Mr. Philip, presented the following report from the standing administration of justice committee and moved its adoption:

Your committee begs to report the following bill without amendment:

Bill Pr11, An Act to revive Delila Construction Limited.

Your committee begs to report the following bills with certain amendments:

Bill Pr1, An Act respecting the Town of Niagara-on-the-Lake;



Bill Pr12, An Act respecting the Borough of East York.

Report adopted.

## MOTION

### STANDING GENERAL GOVERNMENT COMMITTEE

Hon. Mr. Grossman moved that the standing general government committee be authorized to sit the evening of Wednesday, June 6, and concurrently with the House on Thursday, June 7, and Friday, June 8.

Motion agreed to.

## ORDERS OF THE DAY

House in committee of the whole.

### ESTIMATES, MINISTRY OF INTERGOVERNMENTAL AFFAIRS

**Mr. Chairman:** Does the minister have an opening statement?

**Hon. Mr. Wells:** Mr. Chairman, I welcome this opportunity to make some comments on the consideration of the estimates of the Ministry of Intergovernmental Affairs.

It is now just under 10 months since this ministry was created to co-ordinate and consolidate relationships between the province of Ontario and other governments. It is a broad mandate with two major aspects: on the one hand, the province's relationship with the federal and other provincial governments, as well as important contacts with governments outside Canada; and, on the other hand, the province's relationship with local government in Ontario.

Our brief existence has been a busy and, I believe, fruitful period. I would like to use this opportunity to provide members with a progress report on some of the major activities and issues which have occupied much of our time and interest to date and which will doubtless continue to be in the forefront of our work into the immediate future.

Before getting into the detail, however, I should, first of all, provide an overall financial context by which the fulfilment of our mandate may be fully assessed. In presenting the spending estimates of the Ministry of Intergovernmental Affairs for the fiscal year 1979-80, I am asking the Legislature to approve an expenditure of \$549 million. This represents an increase of \$29 million or about 5.5 per cent over our total estimates for the 1978-79 fiscal year.

In very general terms, the \$549 million total budget is allocated under four major expenditure categories. By far the largest is

for transfer payments to municipalities, including both unconditional and special grants, which amount to \$511 million or 93.1 per cent of our total budget.

The second largest category is the Ontario Youth Employment Program, which shows as a \$26 million expense item or 4.7 per cent of the budget. Third, \$8.9 million or 1.6 per cent is for operational and administrative expenses. Fourth, the remaining \$3.1 million or 0.6 per cent is for a variety of special programs, including disaster relief, shoreline property assistance, property tax credits for senior citizens and so on.

As we move through the 15 hours of debate which have been set aside for consideration of these estimates, I look forward to discussing many of the individual items which make up the \$549-million total budget. In recapping the initial nine-and-a-half months of my ministry's existence, I would like to begin by saying that the birth pains have been minimal and that, by and large, I have been very pleased with the progress that has been achieved, both administratively and operationally, to ensure that the ministry is on a sound footing which will enable it to properly fulfil its mandate from year to year. Much of this, I believe, is a direct credit to the senior management team in the ministry.

My new parliamentary assistant, the member for Wilson Heights (Mr. Rotenberg), is devoting much of his time and attention to municipal-provincial issues. His background as a senior alderman in the city of Toronto, plus his involvement on Metro council and with several municipal organizations, is already proving to be valuable to this ministry.

**Mr. Foulds:** You should have kept those contacts yourself. Those are the best Tory contacts if you want to run for the leadership.

**Hon. Mr. Wells:** I want to say that my previous parliamentary assistant, the member for Durham West (Mr. Ashe), carried out his responsibilities in an excellent fashion while he was with this ministry. He has now taken on a new assignment as parliamentary assistant to the Minister of Energy.

The other members of our senior group are my deputy minister, Don Stevenson, and under him the executive director of the local government division, Eric Fleming; the executive director of intergovernmental affairs division, Ed Greathed; and the executive co-ordinator of the planning and co-ordination groups, Sam Clasky.

Without going into administrative detail, I believe that there are three organizational



aspects of the ministry which I should mention because each of them impacts significantly upon our role and performance.

The first is the fact that we have now reached the point where we will soon be relocating all of the central offices of the ministry into one location, namely, on four floors of the Mowat Block. I know this will give us more cohesion and co-ordination in our day-to-day operations.

The second organizational aspect which I wanted to mention briefly is in relation to the municipal finance branch and the inter-governmental affairs and grants policy branch, both of which, as members will recall, remain in the Ministry of Treasury and Economics. The decision to leave these two branches in Treasury and Economics was a crucial one. It was clearly recognized that the functions they perform are in many ways integral to the operation of both ministries and that there would indeed be a need for co-ordination between the two ministries in these areas wherever they were located.

Clearly, the Ministry of Intergovernmental Affairs has a very important advocacy role on behalf of local government in this province. In order to fulfill this responsibility properly in the long term there may be a need to establish within this ministry a sound base of financial data and expertise which would permit us to assess needs and projections in a manner more closely related to our own perceptions and experience with local governments.

The third organizational point which is relevant to our discussions here is the recent decision to transfer the government's protocol services operation to the Ministry of Intergovernmental Affairs, again in order to increase co-ordination in the area of representation of other governments. The protocol was previously under the jurisdiction of the Ministry of Government Services and the transfer became effective in early May.

As members are aware, the protocol office is largely responsible for arrangements and special functions when representatives of other countries visit Ontario, as well as events involving visitors from other provinces. It also organizes major public events such as the July 1 festivities, as well as special ceremonies, hospitality functions and other protocol procedures involving intergovernmental relationships, including day-to-day relations between the province and the consular corps here in the city of Toronto.

The transfer to Intergovernmental Affairs involved no staff or budget changes. It was done solely to reflect this ministry's role in

integrating and co-ordinating Ontario's relationship with other governments.

I am pleased that Walter Borosa is continuing to head up this function, with a new title, chief of protocol. We all know that Walter's fine eye for detail and the grace and thoughtfulness with which he has traditionally fulfilled his responsibilities have been major strengths, and I am glad—I know all of us in this House are glad—that the province will continue to benefit from these as he continues this operation in this ministry.

For the next few minutes I thought it might be useful to report on several of the key activities related to the municipal side of our mandate. Beginning last August, when the ministry was established and I became minister, I emphasized the fact that our style and our *modus operandi* was going to be open, co-operative and responsive.

This is a theme we have constantly repeated, because I consider it essential that the provincial government and local governments fulfil their natural partnership role in harmony, in the interests of the citizens and taxpayers whom we all serve. This is why over the past months I have worked hard to establish closer personal contact with as many municipalities as possible, and at the same time to encourage the various municipal organizations to play an even greater "contributor" role in the overall decision-making process here at Queen's Park.

Our basic posture within the ministry, when making decisions affecting municipalities, is to do so only after discussion and consultation with representatives of those who may be affected.

To me, this kind of approach represents much more than common courtesy, although that is important in itself. Throughout this province there is a great deal of municipal expertise and commonsense advice available to us from those involved with local government, and it would be plainly shortsighted for a ministry such as this one not to capitalize on this as part of the decision-making process.

I believe we are doing so to an even greater extent and on a much wider range of issues, large and small. The primary formal vehicle for this kind of consultation and input continues to be the Provincial-Municipal Liaison Committee. At our regular meetings throughout last fall, the winter and this spring I think it has been clear to all parties involved that there is an inherent benefit to this kind of sounding-board mechanism.

The PMLC is a forum where proposals can be discussed openly and where the ideas and



concerns of both municipal and provincial representatives can be given a good public airing. It's working well and it will continue as a basic component of our operations. [11:15]

There is another kind of important consultative co-operation, of course, which is usually much less formal. I'm referring to our frequent and fruitful contacts with individual municipal organizations and, of course, with representatives of individual municipalities themselves. Personal contact and rapport with one's own constituents, as members of this House well know and, in this case, our local government constituency, is irreplaceable and valuable beyond tangible measure.

In this connection, I especially want to say how impressed I have been with the alert and responsive attitudes that are characteristic of the staff of the Ministry of Intergovernmental Affairs who are involved with the municipal sphere of our mandate. I personally would like to say how very fortunate I feel we are to have a group of men and women who have shown me, on countless occasions, that their scope of knowledge and concern goes far beyond the walls of Queen's Park and out across this province to the real life concerns and needs of people at the local level.

It is a professional approach geared to an understanding and recognition of our province-wide overview, but it is a professionalism which, as I have seen time and time again, includes a grassroots feel for the realities and needs faced by our municipal partners. I would not want it any other way and I think that all members will join me in saluting the efforts of all these individual men and women who work on behalf of our citizens in this way.

Naturally, in any kind of consultative approach, there cannot be consensus and agreement on every issue. But, if I can assess the situation around this province with some objectivity, I would say that our basic message has come through—that we mean it when we say that both the provincial government and the local governments are involved in a co-operative venture, and that we, this ministry and this government, want full local input on all matters which are felt to be important.

There is one particular aspect of this co-operative theme that I specifically want to mention. Not to belabour it, because I have said it publicly many times before, but I do especially want to pay tribute here to the very mature and responsible attitude of municipal representatives regarding the mone-

tary constraints that today confront all governments.

All governments, federal, provincial and local, tend to pass blame for financial pressures on to others. But I think there is a new and real awareness on the part of our elected people that we have a shared responsibility towards the present challenge to reduce the proportion of our gross provincial product being spent by government. To me, this has shown up in our dealings with municipalities over the past months. There is a general recognition that the call upon taxpayers is not endless, that we all share the restraint challenge, that we all must do the best we can with the funds available, and that there is little sense in getting into a protracted harangue over money when all governments are trying to curtail spending from the public purse.

As members know, in March I announced a series of ad hoc grants for 49 municipalities, totalling about \$6.6 million. The purpose of these grants was to help offset some of the more substantial inequities that had developed in the grant system since the equalization factors were frozen in 1970. At the present time, the Ministry of Revenue is developing new equalization factors which will be used in the development of revised grant and apportionment formulae in 1980. As these new factors become available, we will be analysing their impact to make sure that the transition can be achieved as smoothly as possible and without radical distortions in municipal mill rates.

Again, Mr. Chairman, I do want to repeat a strong government commitment with regard to the new equalization factors, and it is that no municipality or school board will receive a lesser grant in 1980 than the amount received in 1979 because of the introduction of the new factors.

About six weeks ago, I tabled in the Legislature a booklet entitled 1979 Ontario Assistance to Local Governments, which contained a general overview of 1979-80 provincial transfers, as well as details of the 1979 unconditional grants program. Overall, transfer payments to municipalities and agencies in the fiscal year 1979-80, excluding payments into teachers' superannuation and the home-care program, are expected to total \$3,872,000,000. This figure represents a 5.4 per cent increase over the 1978-79 figures.

This year's approach, of course, represents a departure from what we have come to call the Edmonton commitment, and it gives rise to concerns expressed by representatives of local government throughout the province.

Mr. Haggerty: I thought that was buried.



**Hon. Mr. Wells:** It is buried. As I said, it represents a departure, and the **Edmonton** commitment is buried, but there have been concerns from representatives of local government throughout the province.

Initially, we had announced that the aggregate transfers would probably be increased by about five per cent, the amount by which the program expenditures of all government ministries were expected to increase. Now, of course, the final percentage increase in transfers to municipalities is expected to be somewhat higher than five per cent, as I have just indicated.

I believe the essential point here is to remember that we have said all along that this is strictly an interim approach to a long-term and very complex problem. There is no doubt that changing circumstances and economic conditions in the last few years make this an appropriate time to take a long, hard look at the whole system of transfer payments to municipalities.

This is why one of my early actions in this ministry was to initiate discussions with representatives of the Municipal Liaison Committee. The result was the establishment of a special committee, called the long-term fiscal arrangements committee, to look at the options available in the years ahead.

The committee has already done a good deal of fruitful work. My hope is that by the end of the summer we will have broad agreement on a formula that will be satisfactory to everyone concerned: the provincial government, the municipalities and school boards. It will not be easy, of course.

On the one hand, a clearly understood formula by which transfer payments are calculated would help ease the minds of municipalities and school boards and perhaps allow them to plan ahead with more confidence as to the revenues that would be forthcoming.

On the other hand, from the province's standpoint, we have to guard against a situation where we could be without the flexibility required to adequately manage our fiscal and economic policies.

I am fully optimistic that there is middle ground to be found on this issue and that, if we all persist and work together co-operatively, our mutual objectives can be achieved.

Related to this, of course, is the whole area of unconditional grants versus conditional grants. I certainly understand the concerns expressed by local governments on this issue. Personally, I do believe there is some scope for increasing the proportion of transfer payments that are made unconditionally. As a starting point, we have the report of the

committee on grants reform, which was chaired by my deputy minister, Don Stevenson.

I realize that many of the recommendations in that report are controversial, both at the municipal level and within this government itself. Yet it seems to me that a good number of the recommendations could be implemented or modified to meet some of the concerns that have been raised. Let me say quite candidly, though, I do not expect to see a major deconditionalizing of grants over the next few years. But as we continue our discussions I will personally be looking for ways by which there can be an increased emphasis on unconditional transfers and, at the same time, a major simplification of the present conditional grant system.

In any event, we will be considering these and other related matters in the months ahead, and giving them the high priority they deserve.

This has been the first year in which section 86 of the Assessment Act has been used to rectify some of the inequities in the tax base between different properties in the same class. Quite obviously, the effect of applying section 86 has meant tax decreases for many taxpayers and tax increases for others as a result of the new assessments which have been placed on their properties.

The government has been monitoring the impact of this program very closely and has considered whether special assistance should be provided to municipalities using section 86, to help them soften any substantial and immediate tax increases arising out of the reassessment.

We decided against providing more provincial funds for this purpose. But we have, as members know, introduced an amendment to section 505 of the Municipal Act to give municipalities wider latitude to phase in, on their own, any such tax increases without special assistance from the province.

As I said earlier, I have been greatly impressed and encouraged by the extent to which municipalities have been able to exercise constraint in a reasonable manner. What is even more encouraging is the great interest of the municipal sector to find innovative ways to economize. Two examples come to mind, the region of Durham's experience in energy conservation and the study being concluded now by the Bureau of Municipal Research on innovative methods of cost savings in municipalities.

With regard to the latter, this ministry intends to co-operate with the bureau to make the published report available to every municipality in Ontario. Also, we will probably be co-sponsoring with the bureau a series of



seminars based on the report on this very important topic.

Last fall, during the discussions of this ministry's first estimates, we discussed at some length some of the problems related to annexations. There are few subjects which pose as many challenges to the province and to local government as does the definition of boundaries around many cities, towns and villages. The process of adjusting municipal boundaries through an application to the Ontario Municipal Board has, of course, been roundly criticized for the last several years.

I think there is general agreement throughout this province that there is much to be gained if some alternative mechanism could be found to solving the vast majority of annexation disputes, an alternative to the rigid judicial approach via the OMB, which so often becomes frustrating, protracted and very expensive.

Last October, when I addressed the conference of the Association of Counties and Regions of Ontario, I urged the delegates to take the initiative in attempting to come up with a workable alternative process. It is a great credit to municipal leaders in this province, and particularly the Association of Municipalities of Ontario, the Association of Counties and Regions of Ontario and the Rural Ontario Municipal Association, that they have, since last fall, moved a long way towards developing such a proposal.

April 27 of this year was a landmark date for local government in Ontario. On that day ACRO and ROMA held a joint seminar on urban-rural relations to which representatives of urban municipalities were also invited. Both urban and rural proposals were discussed in an open and co-operative manner. The effects of this seminar have already been widely felt.

It has become obvious that most municipal leaders, urban and rural alike, agree on the fundamental problems in the present annexation process and, more importantly, on the basic principles of a new procedure which might become an alternative to it.

I have therefore asked the Provincial-Municipal Liaison Committee to ask ROMA, ACRO and AMO to appoint people to sit down with representatives of this ministry to work out a new process. This exercise is now beginning. I am optimistic that by late summer we will have in place a set of proposals for dealing with the vast majority of annexation problems.

We expect that these proposals will emphasize the rational resolution of boundary dispute problems through negotiation and mediation between the municipal councils in-

volved, and then involving the OMB only as a last resort. The ministry anticipates playing an active role in any resulting procedure, but that role will be restricted to use the provincial presence to assist in developing an agreement and will not involve unilateral action on our part.

The longstanding problem between the city of Brantford and Brant township could well be the first candidate for any new process that may be developed. I know that both parties in this case are deeply concerned about the prospects of a long and expensive dispute and they have indicated a willingness to participate in a new procedure which may be developed.

There is one further important topic related to the municipal side of this ministry's mandate which I would like to touch upon briefly, and it has to do with our new approach to the restructuring of municipalities in the province.

Members will recall that during the discussion of estimates last fall I indicated we had moved into a period in which there will be a new emphasis upon local initiatives in the evolution of municipal structure. Of course, this does not mean we are in any way abdicating our responsibility for ensuring strong and effective local government for all Ontario. Like all institutions local government must undergo periodic adjustment if it is to keep up with changing social and economic conditions.

[11:30]

Our starting premise is that we are beyond the point where the provincial government should come along with schemes from on high which involve large-scale municipal restructuring. Instead, we've been conveying the idea that the onus at this time should be upon local leaders to assess any perceived need for change, to discuss the problems involved among themselves and try to arrive at a consensus before coming to see us with their ideas for improvement. Evidence that this is a proper and workable approach is already I think available to us. The follow-up to the Waterloo local government review is an illustration of how I think constructive local initiative can lead to a healthier, more fruitful resolution of perceived structural and organizational problems.

The final report from the review commissioner, in that case Mr. William Palmer, a former deputy minister in this government and chairman of the Ontario Municipal Board, was made public in the Waterloo region in early April. It was, I think, generally well-received; it candidly addressed the practical concerns that people had about



regional and government organization and efficiency in the Waterloo region.

But I think the noteworthy aspect of this review project was the local initiative—not only in undertaking the study in the first place, but also in the determination to follow up on it. Once the Palmer report was available the mayors of the seven municipalities within the region plus the regional chairman formed a committee immediately to consider the recommendations. This process is continuing now and I am firmly convinced that the consultative and co-operative approach that it represents will lead to changes for the better in the local government system in that area.

Many of the Palmer recommendations of course could be implemented by the local authorities acting completely on their own, if there is agreement there to do so. Others would require provincial action and we stand ready to consider any changes which the committee proposes, as long as they have been extensively considered locally and are widely supported.

I wanted to mention the Waterloo experience particularly because I believe it points the way for other municipalities as a means of achieving progress in the process of streamlining local government.

With this summary of our activities arising from the local government side of this ministry's mandate, I would now like for a few minutes to turn to some of the matters at the federal-provincial level which have occupied a good deal of our time and attention since last fall. Without question, our overriding concerns in this sphere have been related to constitutional reform. Since last November, there has been a great deal of activity in this area, on a Canada-wide basis, and the Ministry of Intergovernmental Affairs has played a lead role in Ontario's participation throughout.

During the debate of this ministry's estimates last November, a full account was given of constitutional developments to that date, including the results of the conference of first ministers which had taken place a week earlier on October 30 and November 1, 1978. At the conclusion of that meeting, the first ministers decided to meet again in February 1979 to continue discussions on selected issues relating to the constitution.

In the interim, a great deal of preparatory work was carried out by the Continuing Committee of Ministers on the Constitution which is composed mainly of federal and provincial Ministers of Intergovernmental Affairs, Ministers of Justice, and Attorneys General. Specifically, this committee met

three times in preparation for the February first ministers' conference—first at Mont-St.-Marie, Quebec, in late November, then in Toronto in mid-December 1978, and finally in Vancouver in mid-January 1979. Each of these was a very full three-day session, and the combined efforts proved to be quite effective as a means of preparing for the first ministers' deliberations.

The continuing committee acted as a focus for the presentation of individual governments' positions on a list of 14 issues and as a means to narrow differences substantially. Because of its political composition, the committee was able to move things quickly and flexibly and its report to the first ministers greatly facilitated their discussions by concentrating chiefly on those matters which remained unresolved.

The discussions at the February conference of first ministers were well publicized at the time but I would like to comment briefly on a few aspects at this time. First, some progress was made with regard to the entrenchment of individual rights in the constitution. All governments with the exception of Manitoba agreed in principle that some rights should be entrenched in the constitution. The differences arose over which rights and how extensive should be the rights to be included in the constitution.

On the matter of language rights, substantial differences still exist with regard to their entrenchment in provincial areas of jurisdiction. Agreement was reached on two specific issues: family law and the monarchy. The first ministers also agreed not to consider, for the time being, the extension to the provinces of the power to tax indirectly, except in so far as it relates to natural resources.

Time did not permit sufficient discussion on two items: the declaratory power and delegation. However, preliminary work by the Continuing Committee of Ministers on the Constitution had shown that there would not be major difficulties in reaching agreement on these two subjects.

Discussions concerning natural resources were of particular concern to all provinces, and perhaps especially to the western provinces. A majority of provinces and the federal government agreed on the basic principles of provincial ownership of resources and the need for some limit on the federal government's power over trade and commerce to ensure that provincial control is not completely undercut. The important differences that remain focus on the degree to which federal authority should be limited.

In the end, some workable compromise will have to be achieved with regard to



natural resources. We cannot afford to have in our federalism a system where either provincial resource control is rendered meaningless by federal actions or where the great priority of energy self-sufficiency can be stymied by the policies of one or more resource-blessed provinces.

On several items, including cable television, equalization and regional development, a high degree of consensus was reached as to the kind of changes to be made. It is my opinion that the differences that still exist between governments on these subjects are primarily of a technical nature, rather than matters of principle, and could well be resolved by further discussion.

On the remaining subjects, there are still some major differences to be resolved. These include the Supreme Court, the Upper House, fisheries, offshore resources, the spending power, patriation, the amending formula and communications, other than cable television. Some very intensive discussions will be required to achieve consensus on these items.

At the February conference, Premier Davis proposed that all governments agree to the immediate patriation of the British North America Act. We hoped that agreement on an amending formula could also be reached and included in the patriation process, but if it could not, we urged that Parliament proceed simply to patriate the constitution immediately in its present form.

Simple patriation, as we envisage it, would remove the last symbolic vestige of Canada's colonial status, would encompass the present custom and practice for making constitutional amendments and, most significantly, would clearly indicate to all Canadians the determination and commitment of their governments to the process of constitutional change.

As a first-hand observer and participant at the conference and the meetings which led to it, I do believe that these meetings, and the first ministers' conference particularly, must be regarded as a success. I say so because in a process such as this it is often the intangible elements such as the will of governments to resolve the issues and the degree of participation in the process by which success in the longer term can be measured.

In the past three months, since the February conference of first ministers, there has emerged in Canada, I believe, a new set of circumstances, a new environment, a new sense of reality and urgency, which may profoundly affect the nature and perhaps the substance of forthcoming constitutional dis-

cussions. One key element of course is the fact the Canadians have elected a new federal government which will see Joe Clark become Prime Minister this Monday and a fresh team of Canadians working with him. The second key element is the fact that the Quebec referendum is now in all likelihood just over the horizon.

Taken together, I believe these two events add up to an emerging scenario in which the events that unfold will impact very greatly upon the future shape and character of this country. It seems to me that from here on in any Canadians who have thus far looked upon constitutional discussions as somewhat of an abstract exercise would be well advised, if they have any feelings for holding Canada together, to recognize that we are now on the threshold of a significant and probably historic period in our history. There is nothing abstract about the dilemmas and challenges which now face us on the national stage.

Today, with the new federal government yet officially to take office, I do not want to speculate on the specifics of constitutional discussions which will hopefully resume soon, except to say that constitutional reform, the renewing of our Constitution, is of the utmost importance at this time in our history.

As our Advisory Committee on Confederation said in its first report entitled *An Approach to a New Constitution*, and I am quoting from the report: "There are no perfect solutions in a revised federal system, any more than in any other creation of man. However, we believe that we can secure changes which will give Canadians a sense of well-being, and a feeling that their constitution is tailored to the reality of Canada's future."

The Task Force on Canadian Unity put it very well, too, in its report entitled *A Future Together*. In that report they said this: "We share the widespread public view that among the requirements for Canadian unity is a fundamental revision of the Canadian constitutional and political structure. Many English-speaking Canadians, particularly in the west and the Atlantic provinces, are critical of the way our political system has been working. The vast majority of Quebecois want, at the very least, basic reforms."

"Although the British North America Act has served Canada well for 111 years in a variety of changing circumstances unforeseen by the Fathers of Confederation, and although there have been numerous piecemeal adjustments over the years, there is a growing gap between the structure created in 1867 and the social, economic and political realities of the vastly different Canada of 1979.



"We believe, therefore, that there should be a new Canadian constitution to meet the aspirations and future needs of all the people of Canada." That, as I said, is from the Task Force on Canadian Unity.

Ontario is ready and anxious to participate fully in this process with one major goal in mind: that of strengthening our federal system and reinforcing the links between Canadians in order to keep Canada united. Our general principles in this respect were well summarized in the speech from the throne in early March, and they are worth repeating here again, and these are our general principles:

"First, the preservation of the unity of Canada wherein our bilingual and multi-cultural heritage can flourish; second, the continuation of strong government whereby the federal level has the power to pursue the national interest and the provincial level has the capacity to reflect the regional diversities that are Canada's heritage; third, the strengthening of our economic union by ensuring a free flow of goods, services, people and capital across the country and through a firm commitment to a sharing of each other's economic burdens and endowments; fourth, the preservation of the monarchy as the head of state for Canada; and fifth, a truly Canadian constitution achieved through the immediate patriation of the British North America Act, preferably with a flexible amending formula."

These basic principles and objectives constitute, I believe, a sound framework to guide the process of renewal of our constitution. I believe that they reflect our traditions, history and past commitments, they are shared by the vast majority of Ontarians and Canadians in other provinces, and they provide sufficient flexibility to make the necessary changes to re-establish harmony in Canadian society.

Ontario's approach to the renewal of the constitution is therefore aimed at contributing positively to the process of constitutional discussions through a stance of leadership, moderation and conciliation.

In my opinion, it is time to again take up the process we began last fall. The new federal government and all 10 provinces should now get down to the hard and serious work of constitutional reform without waiting for the Quebec referendum to take place. In other words, we disagree most strenuously with the Quebec position that there should be a complete moratorium on constitutional discussions until their referendum has taken place.

We believe it is extremely important that we get down to business right away and continue the process that began last fall on constitutional reform, and we don't think we should be diverted from this task at this time.

[11:45]

As we proceed, we are fortunate that we will have, I think, in addition to the work we have already done in the previous inter-governmental conferences I have talked about, a number of very valuable tools to aid us in finding accommodations and solutions that will be required. There are, for example, the first two reports of our Advisory Committee on Confederation, headed by Ian Macdonald, the president of York University. These reports will be very helpful. Also, I am particularly impressed by the main report of the Task Force on Canadian Unity, whose analysis of the Canadian situation and recommendations for a renewed federalism will be useful in all future discussions.

It seems sure the Parti Quebecois will soon be indicating more definitely the timing of its promised referendum. It has indicated it will perhaps indicate that during this month of June. While there has been a great deal of speculation about the possible nature and substance of the referendum question or questions, only time will tell how the Parti Quebecois ultimately decides to solicit the views of the people of the province of Quebec and what kind of mandate it will seek.

Only time will tell, for example, whether the referendum is totally specific in asking the people of Quebec for their views on full withdrawal from Canada; or whether, as another example, the referendum is designed in such a way as to attempt to solicit a more general mandate in support of negotiations for additional special arrangements for Quebec in the short term; or whether, as yet another example, the referendum will ask specifically for a mandate to negotiate sovereignty association with the rest of Canada.

On the matter of sovereignty association, Ontario's position is quite clear: we will not negotiate sovereignty association. In fact, Ontario cannot negotiate sovereignty association with another province because Ontario is part of a national reality: a federal state called Canada. Besides, sovereignty association is a concept whereby Mr. Levesque and his colleagues obviously want to have their cake and eat it too.

Certainly Ontario will not go along—nor, I think, will the rest of Canada—with Mr.



Levesque's rather naive assumption that he can bargain with us in order to have all the advantages of a wider economic association, and at the same time have almost complete political autonomy. The Parti Quebecois is trying to make the case that there should be two equal entities, Quebec and Canada. That view may make some sense in Quebec's terms but it flies in the face of reality in the rest of this country and it totally ignores the fact that there is virtually no support for the concept in any other province.

Frankly, we believe that Mr. Levesque is misleading Canadians and especially deluding the people of Quebec when he talks of a bright and prosperous future for Quebec and Canada under sovereignty association and when he says the impact of sovereignty association will be quite minimal.

In effect he is saying Quebec can and should retain its present advantages as a member of the Canadian federation, but do without the obligations and responsibilities of membership in that federation. I do not think this is the kind of one-sided relationship which fair-minded Quebecers even would like to see established between their province and the rest of Canada.

Having said this, I find I must return again to the area of constitutional reform. It is our view we in Ontario must indicate to the people of Quebec, in every way possible, that we remain prepared to embark, with our fellow provinces and the federal government, upon any set of negotiations that is directed towards redefining and retuning Confederation so that this country may better respond to the pressures and realities of the 1980s. This has always been Ontario's position, but I believe we must be prepared to restate it and restate it effectively, consistently and loudly over the next few weeks and months.

It would be a serious distortion if the people of Quebec—or the news media in Quebec—took our very firm position on sovereignty association to mean we are unprepared to engage in broad negotiations within a national context which sought to correct injustices, broaden and make more representative our national institutions, and respond to the specific cultural issues which are critical to the survival of the French-Canadian people and essential to the preservation of Canada.

In the months ahead, there may be opportunities to bring these kinds of thoughts to the increasing attention of the people of Quebec. If there are ways in which the Premier of Ontario, or myself, or other members of this Legislature, all members of this Legislature, can contribute to the debate, realis-

tically and meaningfully, I believe most strongly that we should do so.

In summing up, the essence of our position is to find the best ways of letting Quebecers know that we value and cherish their continued participation within the Canadian Confederation; that the very idea of sovereignty association cannot be achieved; that we are striving to achieve a fuller understanding of their linguistic and cultural concerns; that we are open to considerable change in our current constitutional arrangements to better reflect Canada's contemporary needs and conditions, provided such change is workable and realistic; and that we believe that the best hope for a strong Quebec in the future lies within confederation, in the Canadian Confederation, not isolated outside it.

Let me close by saying I am heartened when I read words such as those written by Claude Ryan in his booklet, *Our Best Choice: Quebec and Canada*. He begins in the introduction by saying: "It has not always been easy for Quebecers and for francophones to live in Canada. Canada has, nevertheless, been one of the greatest political and economic successes of the past century. As we prepare to decide whether or not to continue our participation in this country, it is essential to draw up an honest statement of the benefits that it has brought to us and still brings to us."

Mr. Ryan finishes his booklet with a ringing conclusion that I believe leaves no doubt that there are many people in Quebec who think and feel just as we do in Ontario and in this Legislature. That, I think is expressed most eloquently in these closing words of Mr. Ryan's booklet:

"There is no authentic or demonstrated flaw in Canadian federalism that cannot be discussed, criticized and reviewed publicly, or that one cannot undertake to correct by the method of democratic negotiation. Even the slowness for which the Canadian system has been reproached in this respect, is, from another standpoint, a protection against the dangers of improvisation.

"It is much wiser, therefore, to try to improve Canadian federalism than to destroy it on the pretext of seeking later to rebuild a diminished version of it. The Canadian federal choice is the path of sturdiness and continuity. It is also the choice that answers the call for a broader and more generous solidarity."

As I say, these words of Claude Ryan I think show us that many in Quebec feel as we do in Ontario. I think they give us cause to believe the next few months are going to be exciting for all of us, but they also give



us cause to believe in the ultimate end the unity of Canada will be preserved.

**Mr. Epp:** Mr. Chairman, I appreciate very much the fairly detailed statement the minister has made. I'm sure other members of the Legislature would appreciate receiving a copy of it, particularly that section of the statement which deals with the interprovincial and federal-provincial relations.

I must say from the outset I am sorry my colleague from Ottawa East (Mr. Roy) is not here today to join me in this opening statement, since he deals with the federal-provincial aspect of the intergovernmental affairs relationship. However, he will be here next week and be able to get into that in more detail. I also want to say that my colleague the member for Haldimand-Norfolk (Mr. G. I. Miller) will be participating in these estimates, as will other members of my party.

I believe at a time when we are considering the estimates, we are afforded an opportunity to discuss a variety of items which fall under the purview of Intergovernmental Affairs. These include items such as conditional grants to municipalities, deconditionalization of grants, disaster relief, property tax reform, equalization of assessment, local autonomy, provincial authority over municipal governments and responsibilities to municipal government.

The responsibilities which municipalities hold are in the areas of fire, police, planning, property taxation, the business tax, recreation, welfare, health, education, personnel, transportation and communications and many more. The list is almost endless, when we consider the responsibility that municipalities have and the impact the province exerts on both the formulation of these policies and their implementation. What I'm really saying is that it is so vital for the effective delivery of these services that a good understanding must both develop and permeate any discussions held between the two levels of government.

The problem, as I see it, is that the government has had the support of the people of Ontario and the municipalities for so long that it is taking both for granted. By taking this support from municipalities for granted, it is injecting in its action a serious element of cynicism into the picture.

Take, for example, property tax reform. For over 10 years, this matter was studied by special committees that travelled from city to city, town to town, village to village, from city to town, from village to city and all over the province. It was studied by special committees made up of elected aldermen, mayors and trustees. It was studied by gov-

ernment committees. It was studied by appointed municipal and educational people as well as provincial personnel. It was studied by knowledgeable and not-so-knowledgeable people.

The government received draft reports and final reports. A majority report and many minority reports were received. The public was told that property tax reform was just around the corner. In the final analysis, property tax reform was shelved for an indefinite period for a variety of reasons. One was Proposition 13 in California which, the day before the announcement of the shelving this particular tax reform, passed overwhelmingly in that state.

There was the political impact. The province admitted and was told on numerous occasions that there would be a lot of losers and winners. It felt there were going to be more losers than winners and, therefore, politically it was not a good thing to implement.

The third aspect was that it was going to cost about \$300 million to \$400 million in order to implement, when the government was already experiencing a deficit of \$1.5 billion annually—and all this after the spending of millions of dollars for upgrading much of the data for assessment purposes.

The indicated costs of \$3 million to \$5 million is a conservative figure. Is it any wonder that people become cynical when they witness such manoeuvres, at their, the public's, expense? To add insult to injury, we now see that the government employs section 86 of the Assessment Act to equalize assessment within classes of property owners. That is a step I agree with but it is one that could easily have been used all along to prevent many of the inequalities to grow to ridiculous proportions.

This cancerous growth is seen in many areas of the province. There is no better example than one in Cambridge, Ontario. It is more difficult now to apply the remedy than it would have been 10 years ago. Let's look at another area. Let's look at regional government, where a number of studies were carried on. We had the Archer report in Niagara, the Mayo report in Ottawa-Carleton, the Robarts report in Toronto and the Stewart report in Hamilton. Now we have the Palmer report in Waterloo. They cost hundreds of thousands of dollars to develop. They all, supposedly, were well researched and rehearsed. They all gave numerous recommendations with different degrees of validity or justification for implementation. What has happened to them? Are they gathering dust or is peat moss settling on them? Will the government act?



[12:00]

We cannot suggest that they are not being implemented because of a minority government, simply because none of the proposals have come before the House to have an airing here and, therefore, the opposition parties have not had a true opportunity to react to them. What will happen to them? Will the government in the next few months bring in some recommendations to this House so that we can deal with them properly? I doubt it.

Let's look at the transfer payment aspect. The minister has referred to this in a statement, and I appreciate the lengthy statement he made. Transfer payments add to the cynicism that the people of Ontario hold with respect to much that has gone on in the provincial sector. First of all, the Edmonton commitment—and I'm not going to delve into it very deeply—was made and then the province reneged on it.

The municipalities felt the amount that was committed was going to be a maximum. The province then came back and said it was a minimum. Then the province injected some other payments into the formula which, in effect, had the effect of decreasing the total number of dollars that went to municipalities. Then earlier this year the province indicated that it would transfer payments to municipalities which would be commensurate with provincial expenditures. The municipalities thought that this would be about six per cent, but the province came back and said it was going to be five per cent, resulting in a loss of about \$180 million.

It seems to me that with all of the negotiations that go on between the provinces and the municipalities surely to goodness these major discrepancies, or these major misunderstandings shouldn't develop. I would hope that the present Minister of Intergovernmental Affairs will go out of his way in trying to avoid these kinds of misunderstandings in the future if that's what they are.

Let's look at another thing. The Comay report, which is a planning matter but obviously concerns municipalities, was published a couple of years ago. Yesterday we had the benefit of the Minister of Housing's announcing a white paper on the Planning Act. In the next number of months, there will be a lot of discussion on this particular issue, but are we to believe that viable alternatives will come out of this discussion? Or will the government then sit on these various reports that have been submitted and will be submitted by local municipalities, regional municipalities and private concerns across the province in order to justify the kind of expenditures that go into these kinds of discussions?

Another aspect which the government, and the minister particularly, has referred to is that of the deconditionalization of grants. About two volumes came out on this a couple of years ago, which I had the opportunity of going through. I find that a fantastic amount of time was spent in compiling that kind of information. The question now remains whether a serious look will be taken at the deconditionalization of grants. The municipalities have asked for it. Almost annually the Association of Municipalities of Ontario passes a resolution asking for greater deconditionalization of grants but with very little success.

In fact, a few years ago, the deconditionalization of grants was greater than it is currently. We now have the minister indicating that there will be some simplification of grants. I wonder very much what that means. I'm not sure whether that means that the various forms that the municipalities fill out will be simpler or whether they will be able to get those grants more readily or whether there is going to be a tightening up of grants. Whether it will be simpler for the government to say no to the various grants that the municipalities have received before and that they are expecting and the qualifications will be more stringent, I'm not sure. Nevertheless, I look forward to having some kind of clarification of this simplification of deconditionalization of grants.

Very properly, the municipalities deserve more than they are getting from the standpoint of deconditional grants. The minister himself is not totally to blame for this. He has been in the Ministry of Intergovernmental Affairs only for about nine or 10 months, as he indicated earlier, and I think he is trying to do a commendable job in relating to the municipalities of Ontario. He does, however, have to share some responsibility for the policies that have gone on in the past 10 years or so, simply because, first of all, he has been a member of the cabinet that obviously approved the various policies that were espoused and that were applied to municipalities.

I now want to turn my attention to another item the minister alluded to. That has to do with the urban-rural problem that has existed in the province almost since the Baldwin Act of 1849 and certainly since Confederation, and, more importantly, since the turn of the century when the urban areas began to grow with greater rapidity than they had in former years.

There is ample evidence that current procedures dealing with the annexation of land by growing urban municipalities are not adequate. In fact, they often lead to continued



ill-feeling and the expenditure of large sums of money. The fact that approximately \$3 million has been spent by Barrie and Innisfil township for legal and other services to adequately present their side of the annexation picture is a prime example of how outworn the present policy of the adversary process is and how the people's money is being wasted for high-priced professional assistance. The only people benefitting from such a procedure are the lawyers and the planning and engineering consultants. It's a sad commentary on the present process and on the government.

Two other areas which obviously are going to encounter the same kind of problems are Brant township and the city of Brantford, and the city of Sarnia and Sarnia township. Both of them have discussed their problems with the ministry on a number of occasions.

The question we must ask ourselves is: Is there a better alternative? I believe there is. At a recent meeting of the Association of Counties and Regions of Ontario and the Rural Ontario Municipal Association, Mayor Andy Brandt of Sarnia presented an alternative which deserves serious study. As the minister knows, regionalization is not a viable alternative. Mayor Brandt and his municipal colleagues recognize that fact. I basically concur with their analysis and their conclusions.

I think it's important that one recommendation be on the record, because I think it goes a long way towards resolving the various problems now encountered by sprawling urban municipalities, with their need for more land on which to build industry, residential projects and commercial projects, whatever they may be. The municipal representatives at that conference, which I attended, put forth a proposal which suggested, first of all:

"Notice should be served to the boundary owners and that there should be a one-month time limit here. Notice would be served by the annexing municipality to the province and the municipality or municipalities from which the annexation is requested, indicating the proposed boundary adjustments and the reasons for such adjustment, and requesting a meeting within one month.

"The second stage would be negotiations for about 12 months. These would be undertaken at the local level between the municipalities involved, in the presence of a provincial ministry official. The suggested parameters for negotiation will be established by the province.

"The third stage is conciliation which could take about three months. If negotia-

tions are unsuccessful at any time within the 12-month time limitation, then a fact finder or conciliator appointed by the province would meet with the parties in an attempt to negotiate a settlement of the problems within a three-month period.

"Following that there would be arbitration if necessary. If the negotiations were unsuccessful during the conciliation period, the matter would proceed to arbitration. The urban municipalities prefer a separate tribunal, possibly within the framework of the Ontario Municipal Board, but with particular expertise in the area of local government restructuring.

"The tribunal would be aided by a staff. The staff would be responsible for receiving input from potentially affected parties and also for the gathering of information beyond that submitted. It is suggested that written submissions be made by the municipalities involved, stating and supporting their requests that boundaries be adjusted or remain static. Such submissions should be as comprehensive as possible.

"The tribunal would have authority to contact the municipalities involved to clarify issues or request additional input, but the present confrontation process should be abandoned. After analysing the information received and/or separately collected, the staff would make a recommendation to the tribunal, which would make a final and binding decision."

The next stage would be that, if there was disagreement with that decision and someone wanted to appeal, there would be four months in which to do so.

"The final authority must rest with the government, and any appeal should be to the cabinet. The suggested time limit for lodging an appeal is one month, and it is respectfully suggested that three months be allowed for a determination of the appeal by cabinet.

"The entire process as outlined, from serving notice to appeal, is shown as a maximum of 22 months, a reasonable length of time to resolve boundary questions. However, in any changeover period, special consideration should be given to any municipality that has already been involved in boundary negotiations.

"It is suggested that a comprehensive report be prepared by the ministry official at the negotiation stage and by the conciliator at the conciliation stage in order that their observations will be available for the decision-making process."

They go on to say: "It is the opinion of the urban municipalities that within the context of this position paper we have addressed the



questions raised by the Honourable Tom Wells in his speech to ACRO in Sudbury on October 17 of the past year"—1978.

"The urban municipalities represented in this position paper fully appreciate the difficulties and sensitive nature of the questions we are attempting to address. In a spirit of understanding and goodwill, it is our hope that the government of Ontario will recognize the inadequacy of the present procedure and will see fit to make the necessary changes and adjustments to bring about a badly needed and overdue improvement in the present process before the Ontario Municipal Board."

The minister is following the right procedure in asking ACRO, ROMA, AMO, through the Provincial-Municipal Liaison Committee, to come up with some solutions to the present dilemma. I do not think the various municipalities across the province which have these annexation problems should be asked to spend millions of dollars in the future to resolve something before the Ontario Municipal Board.

I think a better solution is around the corner, and the municipalities should be commended for their leadership in trying to resolve this problem. I commend the minister for giving them the opportunity to try to resolve this in co-operation with ministry personnel and the elected representatives in that ministry.

I want to touch briefly on the constitutional aspect referred to in the minister's opening statement. All of us appreciate that constitutional reform is needed. I personally appreciate the fact that the minister wants to proceed post-haste in trying to get some constitutional reform, irrespective of what Claude Morin said the other day in asking for a moratorium on this matter.

I am wondering, however, what the government of Ontario will do if the government of Quebec says it will boycott the meeting if any discussions are held prior to the referendum being conducted in Quebec.

[12:15]

One of the problems with the sovereignty-association suggestion that the province of Quebec has made is that no one really knows what sovereignty association means. I suppose this is one of the cards Mr. Levesque has up his sleeve in that he hasn't really defined what sovereignty association will mean to the people of Quebec and to the people of Canada. He has indicated that yes, they would like to have some liaison with the rest of the provinces and with the federal government, but he prefers to be very ambiguous on the whole matter. I would hope that for the benefit of

all Canadians he will come forward and make a more definitive statement on the matter before too long.

I think at this point I will bring my remarks to a close, knowing my colleague for Ottawa East will want to speak to the second part of this, the federal-provincial aspect, next week, and knowing also that as we go through the estimates there will be other questions we will want to address ourselves to.

**Mr. Swart:** I am happy to rise to give a leadoff statement for our party on the estimates of the Ministry of Intergovernmental Affairs. I immediately want to acknowledge the co-operation which the Minister of Intergovernmental Affairs has extended to me and to my colleague the member for Wentworth (Mr. Isaacs), in my case, since he assumed the ministry. Also I want to congratulate his parliamentary assistant, the member for Wilson Heights (Mr. Rotenberg), for being selected for that position, and although he is not in the House, to thank him for his co-operation. I also want to concur with the comments of the minister with regard to the quality of the staff in his ministry, serving him and serving the municipalities in this province. I have known quite a number of them for many years and share his respect for them. May I particularly mention his deputy minister, Mr. Don Stevenson.

I want to say, too, at this time that this is probably the last time I will be dealing largely with municipal affairs in these estimates, or for that matter in the House. My colleague from Wentworth who has, I suggest, already made a masterful contribution to this House and gained the respect of this House, as members here know is taking over that aspect of intergovernmental affairs and will be phasing that into his hands rather rapidly from now on.

In speaking in this debate today, I want to say that I am doing so as an individual and as a member of a party which is angry about what's taking place in this province under the control and direction of the Tory government. It's a direction for which the Minister of Intergovernmental Affairs has very serious responsibility.

We're angry because what the government is doing is contrary to the principles in which we, in this party, believe. The government has produced a very high level of unemployment in this province, where we have 300,000 unemployed. To a very substantial degree it has restricted the opportunity for young people in our province, not only to obtain jobs but even to go to university and higher levels of education because of cutbacks, perhaps more so because they see no future anyway



in taking that route. They do not have the opportunity to learn trades as they should have in this province. There is, generally, a restriction of opportunity for young married couples to be able to purchase their own homes.

Generally speaking, in terms of the situation as it is broadly across this province, the opportunities that traditionally existed here, for the young people particularly and for many others, no longer exist to the same degree that they did.

We are angry because the standard of living has been lowered in the last year. We are well aware of the fact that average wages increased by something like seven per cent in 1978, while the cost of living went up by nine or 10 per cent. We are concerned about the decrease in social security, whether it's in the health field—yes, I see members over there shaking their heads; I am going to come to the responsibility of the Ministry of Intergovernmental Affairs in this and to what I propose will be remedial measures in that field. We are concerned about the decrease in social security, whether it's in the health field or whether it is in lowered income for those on fixed incomes. There is a generally lower degree of social security than there has been.

We are very much concerned about the greater degree of inequality that exists in this province at this time than existed 10 years ago or even 20 years ago. Relatively, the poor are getting poorer and the rich are getting richer. I pointed out in this House a month or so ago that this government in the last three years—and incidentally this all started back about 1975—I pointed out that the minimum wage had been increased by something like only 13 per cent, although average wages had gone up by something like 27 per cent. A family of four in this province now which happens to be on general welfare assistance has had an increase during those three years of something like 16 per cent; a single person an increase of about 14 per cent; family benefits generally have increased about 15 per cent—even though profits have gone up in those three years by 41 per cent.

**Mr. Gregory:** What has that got to do with Intergovernmental Affairs estimates? When are you going to get on the point?

**Mr. Swart:** It has quite a bit to do with it. Mr. Chairman, I hear somebody on the other side of the House saying: "What has this got to do with municipal affairs?" It may have something to do with municipal affairs. The amount of money that is transferred to municipalities with regard to providing employment or with regard to providing social

assistance to those in society has quite a bit to do with it.

I would point out, Mr. Chairman, as you well know, that we are discussing intergovernmental affairs, which is the relationship between this province and the federal government, where such things as conferences take place with regard to the state of the economy as well as with regard to the constitution, and therefore there is a very real relationship between these matters and the Intergovernmental Affairs estimates.

If the minister were to give the reason for this reduction in the standard of living, particularly for those on lower incomes, for the reduction in the social assistance, he would say it is simply because we cannot afford it. He would have to admit that this widening of the gap has taken place, and in fact the standard of living has fallen. I think he would say that it was because they could not afford it.

I want to say that if we organized our economy properly, there never has been a time when we could afford it better. Canada—and even this province—has the greatest amount of natural resources per capita of any nation or state in the world. We have the technology and the skills and the ability to acquire them. We have the largest percentage of our population in the work force, or who would like to be in the work force, that we have ever had. The latest statistics show that 49 per cent of the people over 15 in this province are in the work force—although some of them may not be working—compared with 45 per cent for Canada, and of course this is substantially up from what it was 10 years or so ago.

**Mr. Riddell:** Obviously they don't all support the New Democratic Party.

**Mr. Swart:** But there's a growing number who do, compared with those supporting the party on my right if we just look back to the recent federal election.

The additional number in the work force, in fact all these three conditions, should mean that more people would be producing leaving less to keep who are not producing, and therefore our standard of living should go up.

There are fewer children; we don't need new capital expenditures for schools as we did back 10 or 20 years ago. I think the minister will recall—I am not sure if he was Minister of Education; it was perhaps, back in the days of the Premier (Mr. Davis)—when they were opening one school in Ontario every week. I believe that was about the maximum reached at one point. We don't have those expenditures any more.



We have plenty of teachers, therefore, there really should be a higher quality of education; with lower numbers in the classroom we should be in a position to do more for our young people in the field of education. Instead, in fact, the quality of education is decreasing.

We don't ever talk any more, it seems, about introducing such things as denticare. When the population is growing more slowly we have no capital expenditures for hospitals. We have lots of nurses and should be having a higher quality of health care; but in fact it is the reverse.

In our municipalities, too, we are having, as the member for Waterloo North (Mr. Epp) mentioned, less expansion in our municipalities. There are no longer the costs there now for sewers, although many of them are paying debentures over a long period of time. There is not the capital to be found for sewers and water systems and new fire halls and all of those things; therefore we should be able to have a higher quality of life within our municipalities, which should be able to provide that for their citizens.

In 1976 this government embarked on a negative, economically-restrictive program which the government said was necessary because of the economy; but really, those programs and similar ones by the federal government are the cause of our worsening economy, not the result of it. The special program review, the Henderson report, was really the wrong medicine. It was similar to cutting the diet of a person suffering from malnutrition. The alternative that was needed was an economic strategy for Ontario where we would consciously plan to fully utilize our work force; where we would process our natural resources, and replace imports with domestic production; where we would have a higher quality of the environment and increase the quality of life generally.

The Ministry of Intergovernmental Affairs could have been one of the vehicles to accomplish this. There is a real opportunity for this province, because of its size if nothing else, to give leadership at the provincial-federal conference. The minister will be there; he has been there before and will be there again I am sure. He will be attending economic conferences as well as constitutional conferences; I urge him to reverse the kind of stand this government has taken at those conferences.

I have here a report from the February 14, 1978 Toronto Star, in which they talk about the stand which Ontario took; and of course we know that the Toronto Star is more and more becoming a very sensitive paper which

recognizes qualities and those sorts of things. It says, "Jobs the Priority in Ottawa Summit"—

**Mr. Gregory:** They haven't picked a winner in years.

**Mr. Swart:** —and that is the point that I want to make here; jobs should be priority of the Ottawa conference when they take place.

The Star made these comments:

"Canada's federal and provincial leaders should make sure they don't leave Ottawa's economic summit tomorrow without coming up with a program to cure the country's unemployment crisis.

"In yesterday's opening session there was some leadership on this vital issue from Saskatchewan Premier Allan Blakeney. He urged Ottawa and his fellow provinces to embark on a massive program of government investment to create jobs.

"The projects, as Blakeney made clear, make economic sense." It goes on to say: "In the case of energy projects, delays will mean Canadians will have to find billions of dollars to import oil instead. Blakeney put it, 'The choice is between jobs today, energy tomorrow, or no jobs today, no energy tomorrow.

[12:30]

"The greatest barrier to bold new action to find jobs for the close to one million unemployed is that many of the provincial premiers, along with Prime Minister Trudeau, want to adopt do-nothing, conservative economic policies. Not only have they taken up the long-discredited notion that the only real jobs in society are private-industry jobs, they also claim incorrectly that more stimulus would lead to more inflation.

"Even Premier William Davis seems to have adopted a do-nothing attitude on jobs. His 10-point job program unveiled yesterday contained not a single proposal for increased Ontario action to create jobs."

**Mr. Haggerty:** Mel, you've got a good speechwriter.

**Mr. Swart:** The minister should consider that admonition from this party, and consider a realistic job program and a realistic economic program to present to the federal government at the next conference, whereby we could get the economy moving again in this nation and in this province. But far from using Intergovernmental Affairs to improve economic and social conditions, it has in fact been used to bring about greater inequality. Even where the federal government had made fairly adequate transfer payments to the



minister, he has somehow or other distorted it to the disadvantage of Ontario citizens.

I want to speak briefly about the transfers under the established programs' financing which is predominantly—almost entirely, the minister will agree—for hospital insurance and medicare and for post-secondary education payments. The increases this year from the federal government to the province were 14 per cent, but the province only increased the transfer to Health by some 5.37 per cent and to Colleges and Universities by just over four per cent.

I would like to know where the rest of the money went, because at the same time the minister increased premiums. He must have kept that money. He has allowed doctors to opt out and bill their patients, and the average billing of their patients is something like 42 per cent over and above the OHIP rate. This once again has meant a real shift of the tax burden down to those on the lower incomes. It has meant a greater inequality—and I am sure the minister agrees—in our society.

These additional payments may not be any hardship to those who have the higher incomes—as we do here in this Legislature—but to the people who are making \$10,000 a year, and there are a lot of them in this province, it is a real hardship to have to make those additional payments. The minister has used even the transfer payments from the federal government coming down to this province in the administration of those transfer payments, even though they are tied to two specific areas—not legally of course but morally. He has used them elsewhere and has permitted greater inequality in the field of health and in the field of education.

On Ontario federal-provincial intergovernmental affairs I am really proposing two things to the minister. One is that I think he should use his office to develop, as the opportunities arise, and to make the opportunities to develop an economic strategy for this nation—to make proposals for it in which of course Ontario would benefit. Second, the money the minister receives in transfer should be used to provide greater equality in our society, not less.

I was generally pleased with the comments made by the minister in his statement here today with regard to the constitution. I think I and my party, generally share the government's view. Obviously, we want to see Canada stay together. Obviously we want to see a strong central government.

I am, however, a little concerned if the Ontario government is going to tie its pronouncements too closely to the words—and the member for Waterloo North made com-

ment on this too—"sovereignty association." We all know what separation is and we can all come out solidly against separation. When we talk about constitutional reform, we don't know exactly what constitutional reform means. We are all prepared to make some reforms in our constitution but it is going to be difficult to get agreement. We are all prepared to make some constitutional reforms to keep Canada as a nation and perhaps even to improve the functioning of Canada as a nation.

I am just not too sure what sovereignty association means. I know what sovereignty means. I am not sure what association means. It sounds like two nations associated together. I don't disagree with your interpretation of it, but my concern is the Premier of Quebec may well be using this terminology—I know he is using this terminology—to get votes in the coming referendum. I don't know what that will mean. He may only use it in an attempt to get constitutional reform, and I am humbly suggesting to the minister to not tie too tightly into that terminology because it could trip us up and trip you up from doing something we wanted to do in the field of constitutional reform.

I want to switch to the intergovernment relationship between the provinces and local government. I want to say immediately that here again, the transfer system, as is the case with the transfer of money from the federal government to the province, has been used in recent times to bring about greater inequality and to shift burdens to those least able to pay. Mr. Minister, you are relatively new and I think this is really the first budget you have prepared yourself. Because municipalities and taxpayers have to look to you to re-establish fairness, I want to deal with the basics in municipal financing and your transfer system.

The government of this province, during the 1960s and the early 1970s, publicly acknowledged the regressivity of the property tax. Statement after statement said provincial transfers ought to be increased to limit that regressivity. To their credit, they did that. They lived up to their statement, but then, in 1976, the reversal started. The minister's and government's own figures show in the field of education, the share of elementary and secondary education costs attained by the province was something like 61.4 per cent. In 1977 it had dropped to 54.8 per cent. This year they are estimated at 51.5 per cent, representing a drop in the share the province is paying.



Of course, the other side of that coin is the municipalities are picking up, going up from 38.6 per cent to 48.5 per cent in just that short period of four years.

If we look at the total transfer picture for all levels of municipal government and education—once again, figures from your ministry—in 1975 the province was transferring something like 43.9 per cent of their expenditures and that dropped in 1977 to 41.5 per cent. Our estimate is that this year, two years later, it will be down to slightly less than 40 per cent. Perhaps the minister will agree that those are not unfair figures—they are accurate—and even that the estimate is not unfair.

That means there will be \$300 million to \$350 million more that local government has to get from the municipal taxpayer this year alone because the province has not kept paying the same percentage to the municipalities and the school boards as it was in 1975 or 1974—they are basically the same. They have to raise \$300 million to \$350 million, or seven per cent more, which averages out to about an additional \$50 per household that they will be paying this year because that percentage was not kept up.

The average tax increases—once again, using the ministry's own figures—are approximately 40 per cent in the three years. I would point out, in fairness, that that is down from what it was when I dealt with this issue last year. When we dealt with 1974 to 1979, it was something like 74 per cent. It is down now to something like 40 per cent. There are other things the minister can add in or take out, such as the average increase in residential assessment. He can use a mill rate or he can add that in, and he makes adjustments each year on the amount he uses each year for the resource equalization factor. The increase is now in the neighbourhood of 40 per cent, or perhaps a little bit more, in the last three years.

Once again, I point out that average wages and salaries in those three years went up 27 per cent. But property taxes went up something like 40 per cent. That means the property tax payer is losing out.

There is a real regressivity there, and I think the minister would agree—using comments made by the ministers over the years when they were implementing the property tax credit—that the municipal property tax is regressive. When we turn back and put more of it back on the property owner, we are increasing the regressivity. I think that follows, as night follows day.

In those years when the government recognized regressivity as something that was undesirable—it did recognize that at one time and increased transfers—it did something else as well. The government introduced the property tax credit, which I mentioned a moment ago, as the second method of eliminating the regressivity.

The first method was to cut property taxes as a share of municipal expenditure, and the second was to implement the property tax credit. At the time that was introduced, back in 1972, the then Minister of Treasury and Intergovernmental Affairs, the Honourable Darcy McKeough, said: "Our property tax credit plan has one primary objective: to produce a fairer and more progressive distribution of the property tax burden borne by individuals and families in Ontario. Ontario's tax credit will deliver substantially greater tax relief to low-income families and individuals and to pensioners and farmers." That was a clear recognition of its purpose.

When it was increased two years later, the same kinds of statements were made by Mr. White, who was then the minister, that it was necessary to increase that property tax credit to give fairness and to reduce the regressivity of the property tax.

But now the minister has reversed that. Not only has he reversed the percentage of municipal and school board expenditures that are being levied at the local level, but he has also reversed the property tax credit so that it pays a lesser and lesser share of the property tax.

[12:45]

You can check out these figures, which I hope you will. If I am wrong, I will stand corrected. Although property taxes have increased by 40 per cent in the last three years, the property tax credit has increased by nine percent. Property tax is up 40 per cent; the tax credit is up nine per cent. This means that those in the lower-income group not only have this 40 per cent increase, but because they're getting less property tax credit and they're getting a substantial portion of their taxes paid before, are now finding that their percentage increase is substantially higher than the others.

May I again give you some figures which you may want to check out? I hope you will because I think it's pretty fundamental to the transfer system. Where there is an income in the home of \$5,000—and there aren't too many cases, although there are quite a lot of single people who are living on fixed incomes or public assistance of some kind who still aren't getting more than \$5,000, for



example, a woman with two children, of whom are a great many of them—the net tax increase in those three years in those cases would be 70 per cent.

If they're making \$7,500, then the net tax increase would be 55 per cent. If their income is \$10,000, the net tax increase would be about 43 per cent over those years.

If we take this a little bit further, if those people with those incomes are senior citizens over 65 years of age and get the additional tax credit of \$110 or \$100, they get an additional tax credit, which also hasn't been changed over the years. The person on a \$5,000 income would have had an increase of 130 per cent in those three years; the person on a \$7,500 income would have a 90 per cent increase in net taxes and a person on a \$10,000 income would have about 65 per cent.

There is a real need. I would beg the minister, if it would do any good, to make a strong recommendation that there be a substantial adjustment in the property tax credit so that those on lower incomes aren't getting a greater percentage increase in their property taxes than those on higher incomes. I think that is just justice. I would also ask that you give some consideration, recognizing the complexities, of applying the property tax credit at the time of payment of the tax bill.

I would point out that there may be some hazard in not giving consideration to these inequities and injustices which are building up year by year. I came across a clipping the other day from the Toronto Star, of late February 1978 under the heading "Property Tax Time Bomb." It says: "Will Treasurer McKeough escape unscathed?"

I don't need to give the answer to that. He is no longer here. This may only be one of the reasons, but it's undoubtedly one of the reasons he is no longer around because he didn't give sufficient concern to the increase in property taxes which are taking place across this province.

Apart from the inequality, I want to say, that government policy from the years gone by has also created unnecessary costs in many areas of this province. I'm referring specifically to regional governments, in which 60 per cent of the population reside.

You are probably aware, or you may not be, that the party and I did a study comparing the increase in the property taxes in those municipalities within the regions across this province with those which are not in the regions and which have only one level of government. It showed at that time—it was done a couple of years ago—that the average expenditure per household was substantially

higher in those municipalities within the regions compared to a similar municipality with a similar growth rate outside of the regions. At that time, we included capital costs.

**Mr. Haggerty:** We're listening to the expert, the godfather of regional government in Niagara.

**Hon. Mr. Wells:** Yes.

**Mr. Swart:** I would think the member for Erie has never taken up the offer I made to him to read the brief which I presented to the commission which was sitting in the Niagara region at that time.

**Mr. Haggerty:** I've heard it all—

**Mr. Swart:** I'll supply him with a copy of it and then he won't make those incorrect interjections.

**Mr. Haggerty:** You're backtracking now.

**Mr. Swart:** In bringing this study up to date, in comparing major cities within regional government to those outside regional government, we left out the capital expenditures. That's not entirely accurate, perhaps, to leave them out, because they would have shown even a greater difference. The regional municipalities, for some legitimate reasons, have had greater capital expenditures than those outside the regions because, in many instances, there has been greater growth within the regions. I'm the first one to admit that.

I also know from experience that in some regions at least there has been overexpenditure on capital projects, on servicing projects. You should have read the St. Catharines Standard a number of months ago, where the chief financial officer for the region made a pretty strong statement about that. In fact, he was backed up by the finance committee, as the member for Erie will well remember. He was backed up by the finance committee saying they had overspent and had spent money which really wasn't needed for rather massive service extensions.

In the comparison we did, we compared Hamilton with London, Sudbury with Thunder Bay, Cambridge with Brantford, Niagara Falls with Kingston, Welland with Peterborough, Waterloo with Sarnia, Stoney Creek with Belleville, Port Colborne with St. Thomas, Grimsby with Owen Sound and Thorold with Trenton. We picked municipalities that were approximately of the same size.

It showed that the expenditure per household, less capital, on those 10 municipalities—yes, there are 10 municipalities inside regional government—was \$1,239, and the average of those outside was \$1,053, a fairly



substantial difference. I reiterate, that was without the capital expenditures. For instance, the expenditures for Hamilton were \$1,396, compared to London at \$1,027. As many people are aware, London is now growing at a much more rapid rate than the city of Hamilton. Sudbury and Thunder Bay were approximately the same: \$1,525 and \$1,563 respectively. Cambridge was \$1,203, compared to Brantford at \$1,088.

I won't take time to read all of these, but I would like to send them across to the minister so that he can take a look at them and perhaps have his staff do some further examinations.

The Ministry of Intergovernmental Affairs, or the then Ministry of Treasury, Economics and Intergovernmental Affairs, did a substantial study on its own a couple of years ago with regard to the expenditure per capita with those municipalities inside regional government and Metro Toronto and those outside of any form of regional government. It shows the same sort of pattern. Perhaps the minister would like to update that study. At the time that was done many of those regions had only been formed for one year, two years, three years. I think it would be very valuable to the minister and to us as the opposition, to have those kinds of statistics and I would invite you to follow up on that.

I admit I am not sure what the ideal answer is to the structure of local government, but there should be an ongoing critical review of the regional governments and consideration being given to making changes. I know there have been studies of a number of the regional governments throughout his province—Niagara or Kitchener-Waterloo or Hamilton-Wentworth—but I have also been close enough to the studies to know they really didn't deal in fundamental matters; they dealt with a particular region.

I think perhaps study is needed on the principle of regional government, because there is no doubt in my mind there is duplication between the local and the regional levels. The regions may operate more efficiently, but the more government you get the greater the cost and the less accountability. I think we have to take a look at that.

In a few moments I will be moving adjournment of the debate. I do have about 15 minutes left, but I want to deal with the issue raised, perhaps somewhat obliquely, in the

minister's statement regarding some form of guarantee to municipalities relative to the amount of transfer payments they get from year to year.

I invite the minister as cordially as I can to consider introducing some legislated revenue sharing in this province. The minister knows they have done this in British Columbia and they have done it in Saskatchewan. The municipalities and the municipal associations in those provinces are delighted with what is taking place and I say we should emulate it in this province.

I have copies of the two bills here with me, Mr. Minister, as I am sure you do. Even the explanatory notes ought to be almost enough to sell it to you. This is the BC bill:

"The purpose of this bill is to provide the municipalities and regional districts with a defined proportion of shareable revenue of the province. This is expressed as a formula for assigning the annual yield of one individual income tax point, one corporation income tax point, six per cent of the renewable resources, non-renewable resources and sales tax revenues to municipal and regional district grants.

"The bill provides for identifying the sources, calculating the amount and determining the distribution of grants under the revenue-sharing program."

Then it goes on to give more details.

Hon. Mr. Wells: They still don't give as much as we do.

Mr. Swart: I would point out, Mr. Chairman, that the net municipal taxes in this province are among the highest, if not the highest in Canada.

When the need isn't as great there may not be as much given, but proportionately throughout the rest of this nation the municipalities vis-à-vis Ontario are giving substantially more. Saskatchewan under its new bill will have passed Ontario as a percentage of transfers related to municipal expenditure.

But that is not really the point I am trying to make. Although there is a real need for increases, there's a separate point from that. It is the point of giving a guarantee to the municipalities.

On motion by Hon. Mr. Wells the committee of supply reported progress.

The House adjourned at 1 p.m.



## APPENDIX

## MEMBERS OF THE EXECUTIVE COUNCIL

Hon. W. G. Davis .....	Premier and President of the Council
Hon. R. Welch .....	Provincial Secretary for Justice and Deputy Premier
Hon. J. A. C. Auld .....	Minister of Natural Resources and Minister of Energy
Hon. R. Brunelle .....	Provincial Secretary for Resources Development
Hon. T. L. Wells .....	Minister of Intergovernmental Affairs
Hon. L. Bernier .....	Minister of Northern Affairs
Hon. J. W. Snow .....	Minister of Transportation and Communications
Hon. M. Birch .....	Provincial Secretary for Social Development
Hon. C. Bennett .....	Minister of Housing
Hon. W. Newman .....	Minister of Agriculture and Food
Hon. F. S. Miller .....	Treasurer of Ontario and Minister of Economics
Hon. D. R. Timbrell .....	Minister of Health
Hon. H. C. Parrott .....	Minister of the Environment
Hon. B. M. Stephenson .....	Minister of Education
Hon. R. McMurtry .....	Attorney General and Solicitor General
Hon. L. C. Henderson .....	Minister of Government Services and Chairman of Cabinet
Hon. K. C. Norton .....	Minister of Community and Social Services
Hon. F. Drea .....	Minister of Consumer and Commercial Relations
Hon. L. Grossman .....	Minister of Industry and Tourism
Hon. G. McCague .....	Chairman of Management Board of Cabinet
Hon. L. Maecck .....	Minister of Revenue
Hon. R. C. Baetz .....	Minister of Culture and Recreation
Hon. D. J. Wiseman .....	Minister without Portfolio
Hon. R. Elgie .....	Minister of Labour
Hon. G. Walker .....	Minister of Correctional Services

## PARLIAMENTARY ASSISTANTS

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Eaton, R. G. (Middlesex) .....	Assistant to the Minister of Transportation and Communications
Hodgson, W. (York North) .....	Assistant to the Minister of Housing
Jones, T. (Mississauga North) .....	Assistant to the Provincial Secretary for Social Development
Kennedy, R. D. (Mississauga South) .....	Assistant to the Minister of Education
Lane, J. (Algoma-Manitoulin) .....	Assistant to the Minister of Northern Affairs
McCaffrey, B. (Armourdale) .....	Assistant to the Minister of Culture and Recreation
McNeil, R. K. (Elgin) .....	Assistant to the Minister of Agriculture and Food
Rotenberg, D. (Wilson Heights) .....	Assistant to the Minister of Intergovernmental Affairs
Smith, G. E. (Simcoe East) .....	Assistant to the Minister of Industry and Tourism
Sterling, N. W. (Carleton-Grenville) .....	Assistant to the Attorney General
Turner, J. (Peterborough) .....	Assistant to the Minister of Health
Yakabuski, P. J. (Renfrew South) .....	Assistant to the Minister of Natural Resources



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(Humber PC), Reid, T. P. (Rainy River L), Renwick, J. A. (Riverdale NDP), Rotenberg, D. (Wilson Heights PC), Smith, G. E. (Simcoe East PC), Van Horne, R. (London North L), Yakabuski, P. J. (Renfrew South PC); Clerk, F. Nokes.

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L), Eakins, J. (Victoria-Haliburton L), Grande, A. (Oakwood NDP), Havrot, E. (Timiskaming PC), Lane, J. (Algoma-Manitoulin PC), McClellan, R. (Bellwoods NDP), Miller, G. I. (Haldimand-Norfolk L), Taylor, J. A. (Prince Edward-Lennox PC), Villeneuve, O. F. (Stormont-Dundas-Glengarry PC); Clerk, A. McFedries.



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# **Legislature of Ontario Debates**

Official Report (Hansard)

**Third Session, 31st Parliament**

Monday, June 4, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

MONDAY, JUNE 4, 1979

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### SALES TAX ON ENTERTAINMENT

**Hon. Mr. Maeck:** Last week the Leader of the Opposition raised in the Legislature the issue of retail sales tax on admissions to places of amusement. For many years, sales tax exemptions have been granted to non-profit, charitable and sporting organizations as well as to performances using Canadian talent.

In recent years, however, the number and variety of organizations seeking exemptions have increased rapidly, with the result that it became apparent that the process of granting exemptions needed to be improved to make it more consistent, fair and clear. In recognition of this, three principles were introduced in amendments to the Retail Sales Tax Act, subsequent to the budget on April 10 last: the increase in the numbers of organizations qualifying for automatic exemptions; removing existing size and number of performance limitations; and making qualifications for exemptions clear and exemptions more quickly obtained.

Consequently, recent amendments to the Retail Sales Tax Act contained four major measures concerning tax on admissions to amusements: First, the basic tax-free level of admissions price was raised from \$3 to \$3.50. This itself will automatically grant exemption to a larger number of community and charitable entertainments and small theatre groups.

Second, charitable organizations and their affiliates, amateur sport organizations and non-profit community service groups will now be automatically exempt if they qualify under the federal Income Tax Act for tax-free status. This will eliminate the need for such organizations to apply to the Ministry of Revenue for each and every performance or event.

Third, new provisions were introduced to grant exemptions to a wide range of amateur athletic associations and affiliates as identified for public assistance by the Ministry of Culture and Recreation.

Fourth, the exemption for commercial profit-making entertainment using Canadian

performances was removed. The main purpose of this move was to put all profit-making entertainment on the same tax basis. The government fully recognizes this last measure may affect some Canadian-talent performances. However, I also wish to remind members that provision remains in the act which will allow relief to be continued where warranted, as has always been the case. On this basis the government will continue to review individual cases and make decisions on the merit of applications.

Finally, we also prepared to consider relief where contracts or commitments have been made on the basis of the provisions of the act previously in effect.

### WINDSOR METROPOLITAN HOSPITAL

**Hon. Mr. Timbrell:** Mr. Speaker, I think it would be useful to give the House a brief progress report on our litigation with the Metropolitan Hospital at Windsor.

**Mr. S. Smith:** May we have a copy of that statement?

**Hon. Mr. Timbrell:** I think they have been sent. If not, they are on their way.

**Mr. McClellan:** Point of order, Mr. Speaker: I wonder if the minister would do us the courtesy of providing the statement before he starts, as the rules require.

**Hon. Mr. Timbrell:** I will be glad to sit down. I understood it had been sent around.

**Mrs. Campbell:** The rules require it. He never pays any attention.

**Mr. Speaker:** Are they being distributed now?

**Mr. McClellan:** Ask him. We haven't got them.

**Mr. Speaker:** The honourable minister may proceed.

**Hon. Mr. Timbrell:** Mr. Speaker, although we have not yet received a copy of the order which was made on Friday, I understand Mr. Justice Trainor agreed to our request for an adjournment of the action on condition that the planned reduction of 25 active-treatment beds, which the hospital has challenged, be deferred pending a hearing which we expect in a month.

When Mr. Justice Trainor's order becomes available, it will be reviewed by the law



officers of the crown and I can assure the House we will be guided by their advice in regard to the order of the courts.

I don't think it would be proper to say more than this at the present time. The case has not been decided and the whole matter is still before the Supreme Court of Ontario.

### ROYAL ONTARIO MUSEUM

**Hon. Mr. Baetz:** Mr. Speaker, last Thursday this House debated the procedures governing the public accounts committee's request to have Dr. James Cruise, Director of the Royal Ontario Museum, and me appear before them. I would like to assure this Legislature that I will be more than pleased to appear before the committee, as will Dr. Cruise, Mr. Sidney Hermant, chairman of the ROM board, and Dr. Douglas Wright, my deputy minister.

**Mr. Speaker:** Order. Do you have a copy of this?

**Mr. S. Smith:** The chairman of the committee doesn't, but I do.

**Mr. Speaker:** The minister may proceed.

**Hon. Mr. Baetz:** Thank you, Mr. Speaker.

For the record and in fairness to Dr. Cruise, I should like to reiterate the point made by my deputy in last week's public accounts debate. Dr. Cruise did not try to avoid the committee. He was advised by my officials that it would not be necessary for him to appear.

As members know, Royal Ontario Museum accounts are audited annually by Clarkson, Gordon and Company. Nevertheless, we welcome the provincial auditor's examination of the museum's financial organization. It will clarify the museum's financial situation and its renovation and expansion program. Before we meet with the public accounts committee, let me make these points about ROM's expansion and renovation program.

I am persuaded that the overall policy of the museum board governing that program is sound and prudent. The basic feature of the policy is that work should proceed in three distinct phases, and work on any one of these phases will not begin until all the money for that phase is either in hand or committed. This policy enabled ROM to start building the curatorial centre at an estimated cost of \$25.6 million in April 1978. The cost of the curatorial centre has been covered by a \$12.75 million grant from the provincial government, \$6.7 million raised to date from voluntary donations and a matching \$6.7 million from Wintario.

Construction of the curatorial centre is the largest of the three phases and will pro-

vide the ROM curatorial staff, for the first time, with their own offices and laboratory facilities. That means there will be more space for the viewing public and a quiet place for the curators to do their work.

No decision has been made on which of the next two phases—that is, the construction of the terrace galleries or renovation of the main building—will proceed first. Let me make this clear: It is government policy that there will be an absolute minimum of disruption to the viewing public.

**Mr. Peterson:** What does that mean?

**Hon. Mr. Baetz:** As I suggested before, we don't know when the next phase in the expansion and renovation program will begin.

**Mr. S. Smith:** They didn't even tell you that.

**Hon. Mr. Baetz:** That depends to a large extent on federal help. For many months prior to the May 22 federal election, we negotiated with the then Secretary of State, John Roberts, about an early federal commitment. Contrary to some public reports, the federal government did not finally reject our request. The moment we know who Mr. Roberts' successor is, we will resume our negotiations. I think we can be confident of receiving some help because of ROM's national and international stature.

Finally, let me assure you, Mr. Speaker, and this House, that there will be no layoffs at the museum for fiscal reasons.

**Mr. Grande:** Since when?

**Hon. Mr. Baetz:** I hope that in the midst of the current debate about ROM, we do not lose sight of a central, crucial fact, ROM is already one of the great museums on this continent and in the world. The renovation and expansion program will only help it serve the people of Ontario, our fellow Canadians and the people of the world even better than it already has in its long and distinguished history.

### NUCLEAR PLANT SAFETY

**Mr. Renwick:** Mr. Speaker, on a matter of privilege related to the Rolphoton nuclear power station and statements made by the Minister of Energy in the House: On May 10, the minister advised the House in response to a question put by the Leader of the Opposition that that plant, which is a 20-megawatt nuclear demonstration plant, has been on a planned outage since March 26 of this year. Again, on May 24, he stated in the House, "Rolphoton is currently shut down for routine maintenance."



I draw the minister's attention to the report in the *Ottawa Citizen* of Saturday, June 2, to the effect that the planned date for the shutdown was April 17, not March 26; and, secondly, the shutdown which did occur at the Rolphton plant had nothing to do with routine maintenance but was forced because of a radioactive leak within the reactor core which had been discovered at that time.

Would the minister please comment as to the extent and reasons why he may have misled the House, intentionally or unintentionally, and I assume unintentionally?

**Mr. Roy:** Mr. Speaker, on a point of privilege—

[2:15]

**Mr. Speaker:** That is not a point of privilege. A newspaper reported something different from what was stated in the House by the minister, and nobody's privileges have been abrogated. However, if the minister would like to set the record straight, it is his prerogative to do so, but in no way should it be construed as a point of privilege.

**Mr. Roy:** With respect, Mr. Speaker, my intervention involves the minister's statement and a statement by one of the officials of Hydro who apparently publicly admitted towards the end of last week that the official misled the public about the shutdown of Rolphton.

**Mr. Nixon:** Maybe the minister.

**Mr. Speaker:** Does the honourable minister wish to reply?

**Mr. MacDonald:** Before we have the minister reply to this I think there is one point you have made, Mr. Speaker, that is not strictly accurate; that is that it isn't simply a case of misinterpretation or a difference in interpretation. Two officials of Hydro are involved. Larry Woodhead, the director of nuclear generation, referred to the leak in the boiler tubing and the plant manager referred to the reactor heating transport system that was allowing the escape of several kilograms of heavy water, et cetera.

In short, it is officials of Hydro who are now saying that the plant was shut down for reasons other than plant maintenance. The question of privilege is: How come the minister made a statement which was incomplete to the point of being inaccurate?

**Hon. Mr. Auld:** Perhaps I can clarify the question. The responses that I gave in the House were on the basis of information supplied to me by Hydro at the time.

**Mr. Warner:** They misled you.

**Hon. Mr. Auld:** This morning I got a further, more comprehensive report from Hydro which indicated, as the member for Riverdale said, that it was originally intended to shut down for routine maintenance on April 17. However, on March 26 the station was shut down to carry out repairs to a fuel channel closure plug which was leaking. Rather than restart at the time, they decided to carry on with the rest of the maintenance.

I am told that maintenance would include turbine overhaul, inspection and repair of heat exchanger tube leaks, routine inspection of four pressure tubes, and routine safety system tests. I can only say to the honourable member that the information I had received up until this morning was what I had said. I think there may well have been a misunderstanding on what was housekeeping, what was routine maintenance and what was extraordinary maintenance.

**Mr. Roy:** Are you going to speak to Hydro about giving accurate information?

**Mr. S. Smith:** It's like the routine maintenance for a car, starting by replacing any missing wheels.

**Mr. Warner:** Hydro isn't under public control.

## ORAL QUESTIONS

### WINDSOR METROPOLITAN HOSPITAL

**Mr. S. Smith:** I would like to question the Minister of Health, Mr. Speaker. I understand that the Metropolitan Hospital in Windsor is before the courts and he may not wish to comment on the merits or the outcome of the case, but I have another question.

**Mr. Speaker:** I see. You're not going to address yourself to that particular question. I don't want to intervene unduly, but I just want to caution members that the questioner and the minister should use their own discretion. It won't be imposed by the chair with regard to whether or not something else is sub judice.

**Mr. S. Smith:** Thank you very much, Mr. Speaker. May I once again address this question? Understanding that the matter is before the courts and the minister may not wish to comment on the outcome or the merits of the case, can the minister tell us whether it is accurate, as reported in the press, that the minister entered no case or argument before the judge who made his recent ruling?

Is it a fact that the minister did not submit a case in the matter of the Metropolitan Hospital and, if that is a fact, does the minister consider that this failure to submit



a case shows the proper regard which a minister of the crown should have for the courts?

**Hon. Mr. Timbrell:** The application, if that's the right term—not being a lawyer, I'm not certain of that—was filed a week ago last Friday, and we were informed thereof. It was set down to be heard in Windsor by Mr. Justice Trainor on Wednesday.

The impression left by some of the media accounts that the ministry ignored it or did not appear is totally inaccurate. We were in fact represented by counsel, that is, the crown was represented by counsel. I'm told that counsel spoke for two-and-a-half hours on the matter.

**Mr. T. P. Reid:** On which side?

**Mr. Swart:** And you still lost it.

**Hon. Mr. Timbrell:** At that time we asked for an adjournment so there would be sufficient time to examine the affidavits filed by the applicant, if that is the proper term, and to prepare our own, which would themselves be cross-examined. We were represented, and I'm glad to have the opportunity to set the record straight.

**Mr. Lawlor:** It is shameful that you should be forced into the courts on a matter like that.

**Hon. Mr. Timbrell:** We certainly wouldn't ignore such an important matter.

**Mr. Warner:** It's a good thing we've got a judicial system. You can't punish people and get away with it.

**Mr. S. Smith:** This may be redundant. By way of supplementary, I take it what the minister is saying is that the ministry was represented. Did it in fact make a case and an argument as to why the beds should remain closed, as the ministry was suggesting? Can the minister give us some indication as to whether he has any fear that now, because his bed allocation and his previous regression analyses are all rather arbitrary, he is going to have to defend these in the case of a good many other hospitals in Ontario, as he goes about ham-handedly trying to close beds in the province?

**Hon. Mr. Timbrell:** Let me say, first of all, that I got word of the application having been filed at something like four o'clock or 4:30 on the Friday afternoon, if memory serves me correctly. There certainly wasn't time, between then and whenever it was heard on Wednesday, to get counsel to the city in question to examine affidavits—to the best of my recollection, we didn't even have them on the Friday—to cross-examine on affidavit and to file our own.

When we were represented on Wednesday, it was to ask for an adjournment—

**Mr. S. Smith:** Oh, you asked for an adjournment.

**Hon. Mr. Timbrell:** —so that we could have sufficient time to examine the affidavit and to file our own.

**Mr. Lawlor:** You said your counsel spoke for two-and-a-half hours.

**Hon. Mr. Timbrell:** We asked for a two-week adjournment. I believe that's what counsel asked for at the time. The main application—and this has been a point that has been glossed over—has not even been heard and has not been won or lost by either side. That is the point of the adjournment. It will be heard within the next month.

**Mr. McClellan:** By way of supplementary, and respecting the sub judice concern, I want to ask the minister whether it is true, as reported in the Windsor Star, that the ministry received a report from the ministry consultant, Mr. Chet Singh, which recommended that Metropolitan Hospital be allowed to reopen the 25 beds.

Second, did the minister receive an urgent telegram from the Metropolitan Hospital itself urging him to reopen the 25 beds? If he did receive both of these documents, when did he receive them and, most important, why did he fail to respond to those documents? Why did he remain silent, particularly with respect to any communications to the Metropolitan Hospital?

**Hon. Mr. Timbrell:** There are many aspects of the Windsor situation, particularly with respect to Windsor Met, that I would love to debate today. However, I think it best that all of the information in regard to this come out in the proper way, in the affidavits and the cross-examination of the affidavits.

**Mr. Swart:** Certainly not through the minister.

**Mr. Warner:** They have to fight you in court to get decent health care.

**Hon. Mr. Timbrell:** I don't intend to say anything that would in any way prejudice the outcome when the application is heard within the month.

**Mr. Mancini:** I have a supplementary to the Minister of Health. Does it not concern the Minister of Health that the relationship between Metropolitan Hospital and his ministry is now in a complete shambles? And does it not concern the minister that the hospital feels it has to take him and his ministry to court so that the people of Windsor can get adequate health care?

**Hon. Mr. Timbrell:** I certainly don't consider the relationship to be in a shambles.

**Mrs. Campbell:** How would you describe it?



**Mr. Breaugh:** How would you describe it?

**Mr. Warner:** A wreck on wheels.

**Hon. Mr. Timbrell:** Otherwise, I don't know why I would have approved an expansion of the cancer clinic there a few months ago, if it were in a shambles.

**Mr. Breaugh:** What are your words to describe it?

**Mr. Wildman:** You are Delilah to the ministry's Samson.

**Hon. Mr. Timbrell:** With regard to the particular application, there are many aspects of it and many things that have been written and said the last few days on which I would dearly love to join in debate. But I don't intend to prejudice the outcome of this application.

**Mr. Speaker:** A final supplementary, the member for Windsor-Riverside.

**Mr. Cooke:** Mr. Speaker, I'd like to ask the minister if he remembers that on March 13, 15, 29 and April 5, 9, 19 and 23 I raised the problems of the Metropolitan Hospital in this Legislature during question period. He was aware of the problems, why didn't he respond? Why did he neglect this situation? Does he not feel his neglect should result in his resignation as Minister of Health?

**Mr. Warner:** The sooner the better.

**Hon. Mr. Timbrell:** Mr. Speaker, again I think once we have the opportunity to file our affidavit in a proper court of law and not in a kangaroo court the member would operate—

**Mr. Breaugh:** Would you call this House a kangaroo court?

**Hon. Mr. Timbrell:** —then all of the facts, some of which the member may like or which he won't like, will be public knowledge.

**Mr. Warner:** The minister is destroying the system.

**Hon. Mr. Timbrell:** No, I'm not.

**Mr. S. Smith:** If I can have the attention of the minister, can I ask a final supplementary? Could the minister clarify for the benefit of this House and the people of Ontario that he is saying he had enough evidence to force the closure of 25 beds of that hospital, and any other hospital beds throughout the province, but he couldn't raise a word in his own defence without having an additional two weeks when challenged to produce some of that evidence in a court of law? Is that what he is saying?

**Hon. Mr. Timbrell:** Mr. Speaker, what I'm saying is, clearly, counsel for the hospital had obviously been working on their application for some time. I think the member would

acknowledge that. In that time, it had prepared certain affidavits.

**Mr. S. Smith:** The minister had the policy for some time.

**Hon. Mr. Timbrell:** It seems to me, Mr. Speaker, only proper that we ask for a few weeks within which to provide time to cross-examine the people who gave those affidavits, to file our own affidavit and, of course, to provide the opportunity for those people who provide those depositions—

**Mr. Warner:** It should be a Frank Miller restraints speech.

**Hon. Mr. Timbrell:** —be cross-examined so any final judgement would be based on all the relevant facts. That only seems reasonable.

#### SALES TAX ON ENTERTAINMENT

**Mr. S. Smith:** I'd like to question the Minister of Revenue, Mr. Speaker, regarding his statement today on the matter of retail sales tax exemptions with regard to Canadian professional talent.

I'm pleased to note the minister recognizes the need to provide some relief. May I ask whether the provisions the minister mentioned on page three of his statement will ensure the situation will be the same as it was before the new law was passed with regard to professional Canadian talent? The minister is going to be inundated with applications. Can he assure the Canadian talent industry the applications will be dealt with essentially exactly as they were before the law was changed? If not, would he not simply change the law back to what it was in that regard?

**Hon. Mr. Maec:** Mr. Speaker, I can't give the Leader of the Opposition a blanket assurance that I'm going to change the law back to the way it was before, because they were a very confusing, mixed-up set of regulations, with which it was very difficult to deal. It was unfair to some of the people who were not able to take advantage of it simply because of the fact they weren't aware of all the existing regulations. I'm not prepared to make a commitment that we would go back to where we were. I am prepared to make the commitment to examine each application on its own merit.

You have to remember that in the statement I also said the price of admission had been raised from \$3 to \$3.50, which is going to make a considerable difference. Except in certain circumstances, the price of admission for most Canadian talent in various theatres is less than \$3.50, so the rule doesn't even apply. It's quite true amongst the smaller



theatres. Go around the province. Get around out there and see what is going on. I'm not suggesting Hamilton Place or the O'Keefe Centre would fall into that category, but I am saying most of the smaller theatres do fall into that category. There is going to be larger numbers of exemptions now than there ever has been. We are prepared to look at any of the other places where there could be some difficulties, certainly.

[2:30]

**Mr. S. Smith:** By way of supplementary, does the minister fail to understand that the issue does not have to do with the small amateur theatres or those groups already getting public funds, but has to do with professional Canadian talent? At the moment, when a promoter is seeking to book an act or a musical group or whatever, there is an incentive for the promoter to book a Canadian group rather than an American one because he can evade the tax which is otherwise applicable. He used to apply, and if he could satisfy the minister that it was Canadian he would get the exemption.

Does the minister not recognize he has now introduced an uncertainty inasmuch as those who do the bookings will have to pour into his office seeking this relief? Why not simply assure them the situation will be unchanged for professional Canadian talent? If he can't give that assurance, why not bring back that provision from the previous law and clarify the matter that way?

**Hon. Mr. Maeck:** I think the Leader of the Opposition perhaps doesn't realize this tax is a consumer tax. It isn't the Canadian talent who are paying it; it isn't the people who operate the theatres who pay it. It's the consumer. If the price of admission is \$5, \$8 or \$10, surely the people who can afford to pay \$8 to go to a performance can also afford to pay the tax. Who are we giving the break to?

**Mr. S. Smith:** To Canadian talent.

**Hon. Mr. Maeck:** Are we giving it to Canadian talent or are we giving it to the owner of the theatre, who may not even pass it on? There is a little more to this situation than meets the eye at first glance. We have worked with this for quite some time and we are trying to be as fair as we can be.

It must also be pointed out at this time that Canadian performers are being used the same way as any other performer. We're not taking anything away. We're not saying: "It's going to affect you in a lesser manner."

**Mrs. Campbell:** No, it's gone too far already.

**Hon. Mr. Maeck:** I don't understand. If Canadian performers were getting the ad-

vantage of the 10 per cent, that's one thing, but they are not getting that advantage.

**Mr. Eakins:** "We treat you royally."

**Mrs. Campbell:** "Buy Canadian."

**Mr. S. Smith:** I'm alarmed, though.

**Hon. Mr. Maeck:** You don't understand it.

**Mr. Foulds:** Can the minister assure us that those amateur theatre groups and other artistic organizations, which, through programs designed largely by the Ontario Arts Council and other programs of the Ministry of Culture and Recreation, occasionally hire a professional director or a professional stage manager or designer to assist them with their productions and to upgrade their own talent, will continue to be exempt, as they are under the basic guidelines he has outlined here?

**Hon. Mr. Maeck:** By all means. The whole thrust of this change in legislation was to provide exactly that type of thing. In other words, any group that is a non-profit organization—athletic associations and so on—approved by the Ministry of Culture and Recreation would not be taxable.

**Mr. Foulds:** Even if they had one who was a professional?

**Hon. Mr. Maeck:** That is included in the act. Certainly we have no intention of changing it.

**Mr. S. Smith:** Final supplementary: I'm alarmed that the minister appears not to understand the implications of what he is doing. Does the minister recognize that, at the moment, if he gives the exemption to Canadian talent, there is then an incentive to book a Canadian act? One can either charge the same ticket prices as for an American act and make more profit or pass on the difference, in whole or in part, to the audience and hope to attract a larger audience and make more profit.

Either way it is a stimulus to the booking agent to hire the Canadian act and book it into the hall rather than the American one, under similar circumstances. Does the minister realize that is an incentive? Why is he taking that incentive away?

**Hon. Miss Stephenson:** Has the member's agent had difficulty booking him lately?

**Hon. Mr. Maeck:** I have already indicated we will examine each one of these. Our intention is not to take that incentive away. I understand what the member is saying. I have already said in my statement that we will examine each one of these and we will see that fairness comes into play. I don't know what more I can do for the member.

**Mr. S. Smith:** You are creating confusion; put it back the way it was.



**Hon. Mr. Maeck:** You are not aware of the confusion that existed out there before we brought this in.

### WINDSOR METROPOLITAN HOSPITAL

**Mr. McClellan:** I would like, if I may, to go back to the Minister of Health with respect to Windsor Metropolitan Hospital. I want to ask the minister, notwithstanding his statement today that Mr. Justice Trainor agreed to his request for an adjournment, is it not a fact that Mr. Justice Trainor asked himself the question, and I quote him from the Windsor Star, which I assume is a quote from his report: "I have asked myself if it has been determined that an emergency endangering the lives of patients in fact exists and that in fact he ruled that on the basis of the evidence before him such an emergency did exist."

I ask the minister, is that not a fact, and if it is, will the minister admit that the bed allocation ratio is an arbitrary one which doesn't conform to the real needs of many hospitals and he ought, as a course of sanity, to re-evaluate the adverse effects of the cut-back program, restore those 25 beds and obviate the necessity for further litigation?

**Hon. Mr. Timbrell:** First of all, the question of the general policy of allocation figures and formulae and so forth have been under discussion and will continue to be so in the social development committee, of which the honourable member is himself a member.

I have made certain arguments there and I can only repeat them today, but with regard to the wording, we do not have the judgement or decision from Friday. I understand it will be in the hands of the crown law officer some time this afternoon and, once we have had an opportunity to review it, then we can conduct ourselves accordingly.

**Mr. McClellan:** May I ask, by way of supplementary, whether the minister is aware that the evidence before Justice Trainor was not the only evidence to suggest he should re-examine his bed allocation ratios? I want to ask him whether he has seen the report of the coroner's jury into the death of Katarina Frydryk who died in St. Joseph's Hospital, according to the coroner's verdict, as a result of accidental strangulation due to compression of the throat by a safety vest. The accident occurred in the emergency department of St. Joseph's Hospital while the patient waited on a stretcher to be admitted as an inpatient.

One of the recommendations of that coroner's jury is that the Ministry of Health should re-examine the bed situation. How much evidence is he going to have to receive, and how many tragedies are going to have to occur before the minister acts responsibly as Minister of Health in this province?

**Hon. Mr. Timbrell:** Mr. Speaker, no tragedy will knowingly be allowed to occur anywhere in the province. The honourable member knows that. The honourable member knows, too, that we would respond and will be responding to the recommendations of a coroner's jury. He knows that the Hospital Council of Metropolitan Toronto and the University Teaching Hospital Association, two hospital planning bodies, are examining the bed situation in Metropolitan Toronto. As in many communities in regard to the situation around here, the matter is in the hands of local planning bodies, looking to come up with advice to us as to what is most appropriate for the future needs of the province or of the particular community.

I really don't intend to comment further on whatever was before the justice inasmuch as I do not intend in any way, as I said earlier, to prejudice the outcome of that application.

**Mr. B. Newman:** Supplementary: Is the minister aware that the bed allocation at present at Windsor Metropolitan Hospital is below the limit he suggested? It is down to 3.49 and if they follow his suggestion it will be down to 3.03. Even the minister's officials suggested to him last day that the 25 beds remain open. Does the minister intend to follow that suggestion?

**Hon. Mr. Timbrell:** Mr. Speaker, I will only answer in this way: Of course, bed allocations are based on hospital centres and beyond that I can add no more at this time.

### HERITAGE LANGUAGES PROGRAM

**Mr. McClellan:** A question for the Minister of Education: Pursuant to her statement in the House of May 15, when she told us with respect to heritage languages that "the province is assuming the full cost of the heritage languages program," I want to ask the minister whether at the time of her statement she was aware that there was a reduction in existing grants to the Metropolitan Separate School Board, whether she acknowledges she had meetings with representatives of the separate school board in which they told her that the program cost \$28 for a class of 25 as opposed to her offer this year of



\$21 per class of 25, and finally, whether she acknowledges that the Metropolitan Toronto School Board has advised her that their real cost was \$23 per class of 25? If all of that is true and accurate, how can she tell the House that she is providing total funding when she knows at the time of her announcement that she wasn't providing total funding for the heritage languages program?

**Hon. Miss Stephenson:** Mr. Speaker, there was a careful examination of the statements which were provided by all of the boards involved in the heritage languages program. There was a very careful examination of the statements provided by the Metropolitan Separate School Board and the Metropolitan Toronto School Board. There were certain features included within those two statements which were not in fact directly related specifically to the heritage languages program which were not included in other statements.

There was discussion of this. Both of the boards understood that we were funding the heritage languages program per se and that is the reason that the decision was taken that the province would indeed cover the entire cost of providing the program. On average, this will more than supply the cost for many of the boards providing the program.

**Mr. McClellan:** By way of supplementary, I still don't understand what the minister is saying. Let me ask her bluntly, is she telling us that the Metropolitan Separate School Board and the Metropolitan Toronto School Board submitted information to her which she in her infinite wisdom deemed to be inaccurate? If so, will she give us the specifics of the figures which she disputes with the MSSB and the MTSB with respect to their real costs of the heritage languages program?

**Hon. Miss Stephenson:** I did not say that they submitted inaccurate information. They submitted information which had in addition to the actual specific cost of providing the heritage languages program, other costs which could be construed as a part of the school program in ordinary circumstances, which was perhaps not an appropriate inclusion in the costing of the heritage languages program, which was what had been requested.

**Mr. Sweeney:** Supplementary: Given that some boards offer the program during the school day and some offer it after school or on Saturday mornings, does the minister have two different sets of cost figures which take into consideration that two different kinds of boards operate in two different ways?

**Hon. Miss Stephenson:** We are aware of varieties of methods of providing the course and are aware that indeed as a result of the inclusion within the so-called school day by the Metropolitan Separate School Board that there were certain modifications which they considered to be necessary. There was much discussion of this with representatives of the Metropolitan Separate School Board. The decision was taken that indeed it was reasonable to provide the cost, on average, of the delivery of the heritage language program—

**Mr. McClellan:** Yes, your version of the cost, not the real cost.

**Hon. Miss Stephenson:** —in Ontario on the basis of the real costs of the program as defined by almost all of the boards which submitted their reports.

**Mr. Grande:** Supplementary: Could the minister give us any information that she may have as to whether such boards as Ottawa, Metropolitan Toronto, Kapuskasing and others are going to receive one red cent more for their heritage languages program as a result of her May 15 memo?

**Hon. Miss Stephenson:** I don't have those figures with me at the moment. It is my understanding that in most instances most of the boards will indeed receive more in support of the heritage languages program, because instead of being provided at the rate of grant of the board it is being provided at the level of 100 per cent of the cost of the program.

**Mr. Grande:** Could the minister get that information for us?

**Hon. Miss Stephenson:** Yes.

[2:45]

## LAND SPECULATION TAX

**Mr. Epp:** I have a question for the Minister of Revenue. I wonder if the Minister of Revenue is aware his officials are not reducing proportionately the amount of speculation tax demanded when a citizen of this province takes back a mortgage at the time of sale of a piece of property, and that when discharging that mortgage at a discount a year or so later he is expected to pay the full amount of speculation tax on the sale?

**Hon. Mr. Maeck:** Without referring in depth to the legislation on this matter, it's my understanding—and I am sure this is what the member is referring to—if a mortgage has been taken and then the purchaser defaults and it goes back to the original owner, of course he is subject to speculation tax—if there's a profit, that is.

**Mr. Epp:** The problem is not that he's subject to speculation tax; the problem is



that he's subject to the total speculation tax. In other words, the ministry is demanding money from citizens of this province in the form of speculation tax—

**Mr. Speaker:** Would the minister agree.

**Mr. Epp:** —on the amount far beyond what the actual person received in payment for the sale of that property. Does the minister not agree this is a dishonest way to collect speculation tax from citizens of this province, particularly when the speculation tax has already been rescinded and also when many large corporations in this province have been exempt from paying speculation tax?

**Mr. Roy:** Does the minister understand the question?

**Hon. Mr. Maeck:** No, I really don't.

**Mrs. Campbell:** No, he doesn't.

**Hon. Mr. Maeck:** I would ask the member to provide me with the details on the complaint he has and I will have it looked into. At this point, I am really not in a position to say whether or not I disagree. I would like to have a lot more detail than he has given me.

#### PARK LAND ROAD PLAN

**Mr. M. Davidson:** I have a question for the Minister of Transportation and Communications. Is the minister aware of the Waterloo regional transportation plan which has an east-west arterial road running through land which was donated to the province to be used strictly for the purposes of providing park and recreational facilities for the citizens of that area?

**Hon. Mr. Snow:** Yes, Mr. Speaker.

**Mr. M. Davidson:** Supplementary: Given that the land was accepted by the province for park purposes by order in council dated December 20, 1967, and given that there are letters on file from both former Premier Robarts and Premier Davis, and given that a much-honoured member of this House, former Speaker Allan Reuter, has said that "for the province to allow the use of this land as part of a highway is totally erroneous in my opinion," can the minister assure us the commitment to the donor made by this government will be upheld?

**Hon. Mr. Snow:** Mr. Speaker, I would have to get some legal advice on that matter. As I am sure the honourable member—

**Mr. Warner:** You are going to spend half your life in court.

**Mr. Breithaupt:** Mr. Speaker, I am aware of the details of this gift by Mr. Percy Hilborn who I think was not only one of our area's finest and most public-spirited citizens

but I might add also happened to be a relative of mine.

**Mr. T. P. Reid:** Not necessarily in that order.

**Mr. Breithaupt:** Since I am particularly concerned that this action, if it proceeds, will be a disgraceful—

**Mr. Speaker:** Question.

**Mr. Breithaupt:** —abuse to his memory, will the minister undertake to interview all of the interested parties in this matter before any decision is made by cabinet so that any precedent established will be done with the full knowledge of its future effects on other such possible philanthropic gifts?

**Hon. Mr. Snow:** I don't know of any application that is before cabinet for a decision at this time, although one may come forward. I am quite familiar with this matter and the feelings of the family of the donor. I believe it is the daughter of the gentleman who is a constituent and close friend of ours in Oakville.

As I recall the situation, this parcel of land was accepted by the province and was ultimately turned over to the conservation authority. I don't know at this time whether the covenants were on the land when it came to the province or when it was turned over to the conservation authority. I know there is a very decided opinion within the community as to whether this particular east-west artery should be built. That, I think, is a decision that has to be made by the transportation planners and the elected officials of the region of Waterloo and the city of Cambridge.

**Mr. M. Davidson:** Final supplementary: Will the minister, when he is reviewing the situation he has before him, take into consideration a letter to Dr. George Priddle, who is chairman of the Provincial Parks Council, which ends by saying, "Authority representatives"—meaning the conservation authority—"have also indicated that under these circumstances there was no possibility that the authority could release willingly any of the property for purposes of constructing a highway bypass"? That letter was signed by the Treasurer (Mr. F. S. Miller).

**Hon. Mr. Snow:** Again, I am not aware of that particular letter. We will look into that matter, as well.

#### HOSPITAL BOARDS

**Mr. Sweeney:** A question to the Minister of Health: Does the minister believe it is appropriate that membership on the board of governors of a publicly funded hospital



should be determined solely by a nominating committee, especially when the existing board of governors names the majority of members to that nominating committee? Would the minister not agree that in fact gives the existing board of governors literally total control over all future boards of governors? Is such a practice permissible in this province.

**Hon. Mr. Timbrell:** If the bylaws passed by the board and/or approved by the membership of the hospital association set out a particular structure, and they are all different, then that is what would be followed. I don't know whether this is a hypothetical example or if it is one that is incorporated in the bylaws of a hospital that have been approved in one of those two manners, but it would have to be done according to the bylaws.

**Mr. Sweeney:** Supplementary: To be specific, is it not true the St. Thomas-Elgin General Hospital has, in fact, passed such a bylaw and that bylaw has been forwarded to the minister for approval? Can the minister tell us whether or not he has supported or intends to support such a bylaw?

**Mr. Roy:** Doesn't that appear to you to be somewhat undemocratic?

**Hon. Mr. Timbrell:** I believe they have passed some bylaws—and I am not sure whether it includes that—which would have gone to the institutional division, who would then check to see whether they are, in fact, in conformity with the Public Hospitals Act. As long as they are not in conflict with the Public Hospitals Act, inasmuch as we do believe in local autonomy, they would be sent back as being approved.

**Mr. Sweeney:** Final supplementary: Would the minister not agree that if in fact such a procedure is put into effect, then any semblance whatsoever of democracy, or the possibility of dissenting voices becoming members of that board of governors, is eliminated?

**Mr. Warner:** The people are going to have to take you to court again.

**Hon. Mr. Timbrell:** I would want to think about the example, but I am sure the hospital board, representing as they do, the community, would not pass or propose any bylaws that were not in the interest of the hospital and the community. As I say, if they have submitted bylaws and if they have been returned to them as approved, they wouldn't come through me, they would go through staff. It would be on the basis that they had been checked against the

Public Hospitals Act and found to be in no way in contravention of the act.

#### USE OF MATACIL

**Mr. Foulds:** In the absence of the Minister of Natural Resources (Mr. Auld), I would like to ask the Minister of the Environment a question. Has the minister's colleague, the Minister of Natural Resources, consulted with him, and has he justified to him the use of aerial spraying of 40,000 to 45,000 acres for spruce budworm in the Geraldton and Kirkland Lake districts with Matacil when there is increasing evidence from Maine, New Brunswick and Newfoundland that: (a) the spraying simply produces a bigger and better super spruce budworm and prolongs the epidemic; (b) the side toxic effects on other life forms, such as insects, animals and humans, are potentially hazardous, and (c) only about 50 per cent of the pesticide reaches its target because of wind and other meteorological conditions?

**Hon. Mr. Parrott:** No, my colleague has not discussed that with me, but I will be sure to send him a copy of Hansard and he will reply.

**Mr. Foulds:** Supplementary, Mr. Speaker: Would the minister not consider this a very serious matter and bring it directly to his colleague's attention in that it is the so-called non-active ingredients of the mix, such as nonylphenol, the solvent, and diesel oil, the emulsifier, which are suspected of contributing to the high number of cases of Reyes syndrome affecting children in New Brunswick and Quebec, rather than the active ingredient? Is he aware that the US Environmental Protection Agency withdrew the licence for Matacil in 1970?

**Hon. Mr. Parrott:** I would be very surprised if our Pesticides Advisory Committee has not considered the chemicals involved here. I will certainly consult with them, get their advice, as requested by the member, and then discuss the issue with my colleague, the Minister of Natural Resources.

**Mr. B. Newman:** Supplementary: Will the minister assure the House that the use of those pesticides does not have any effect on an individual, causing Reyes syndrome?

**Mr. Foulds:** That's just what I asked.

**Mr. Speaker:** That question was already asked.

#### PHOTO ON DRIVER'S LICENCE

**Mr. Nixon:** I have a question of the Minister of Transportation and Communications. Since the House passed enabling legisla-



tion more than a year ago for photographs on drivers' licences, will the minister report at what stage the implementation of that policy is? Is he contemplating using a procedure which will provide a second photograph or a negative for a number of photographs which would then be provided for Ontario Provincial Police or other law enforcement files? Is the minister aware of the concern among people interested in civil liberties that such would be and may be regarded as an intrusion similar to the filing of fingerprints of those persons not accused or convicted of crimes?

**Hon. Mr. Snow:** To take the second part of the question first, no decision has definitely been made yet as to which process will be used with respect to the photographs—whether it will be the instant photograph without a negative system or whether it would be the wet process where a negative would be on file. If that were the system to be used, I would be concerned, as the honourable member is, as to the security of that particular negative. That is certainly something I would want to look into.

To answer the first question, I have not yet got a definite date for the implementation of the photo on the driver's licence. Although I set it as a relatively high priority among a number within the ministry in our budgetary allocations this current fiscal year, we were not able to assign the necessary funds to this new initiative at the expense of ongoing programs within that division of the ministry. As we were not able to get the additional funding for the program, it has been delayed. But we are looking at it as one of our new initiatives in our budgetary planning for next year.

**Mr. Nixon:** Supplementary: Since the minister must be aware that the recommendation from the select committee on highway safety was simply to cut down the number of people using drivers' licenses improperly, that is, a licence borrowed from somebody else while their own was suspended, and since the minister would then agree that it is for identification purposes and not law enforcement purposes otherwise, would he not agree that the policy for implementation should be for a procedure that provides a picture on the licence and no other? Would he not also agree that the \$60 fee we pay for the licence of a vehicle might provide at least some of the money necessary for the implementation of this program?

**Mr. Ruston:** That should be enough.

**Hon. Mr. Snow:** I don't see any relationship whatsoever with the \$60 fee. We are

not photographing one's automobile and putting the picture on the registration.

**Mr. Nixon:** There is a relationship.

**Mr. Roy:** The minister's automobile would look better than him on the photo.

**Hon. Mr. Snow:** That might be possible. As I am sure the honourable member knows, all revenue raised through those processes goes to my colleagues, the Treasurer (Mr. F. S. Miller) and the Minister of Revenue (Mr. Maeck). Getting it back from them is not very easy.

**Mr. Nixon:** You're like the Minister of Agriculture and Food (Mr. W. Newman). You have no punch.

**Hon. Mr. Snow:** Under any circumstances, I assure the member that the concerns he has expressed here have been ones we have been discussing. I think the process has been such that until we are ready to proceed with the program there is no need to make that final decision.

[3:00]

#### GLUTEN-FREE FOOD

**Mr. Swart:** My question is to the Minister of Health. Is the minister aware that the price of gluten-free food used by children and others who suffer from the coeliac disease, has doubled in the last two months? Does he know this has been caused by a decision of the women's auxiliary at the Hospital for Sick Children no longer to do the retailing, handling and shipping, a service they were providing on a voluntary basis and which the Hospital for Sick Children has refused to continue?

What steps is the ministry taking to see that these kinds of food, which are about the equivalent of medicine, are available at something other than an exclusive price which many sufferers cannot afford?

**Hon. Mr. Timbrell:** I will ask for a report from the president of the Hospital for Sick Children as to exactly what they are doing about that and will let the member know.

**Mr. Swart:** Supplementary: Might I inform the minister of the gravity of this situation when a nine-ounce loaf of bread has gone from \$2.20 to \$4.80? Would the minister fail to understand that the increase on these foods will cost people like the Ivan Weasners in Welland, who have three-year-old coeliac twins, something like \$60 to \$100 a month extra? Will he, through his ministry, provide sufficient funding to the Hospital for Sick Children so that they can continue the program at cost?



**Hon. Mr. Timbrell:** I will look into the matter. I will also investigate how many of those things can be made in the home.

#### HOME CLOSURE

**Mr. Blundy:** I have a question for the Minister of Community and Social Services. I want to refer the minister to the impending closure of the home in Feversham and to ask him, particularly, if he is aware of the confusion that is going on in that area in the families of the patients who are being transferred from one home to the other, with no regard, really, for any kind of programming that might assist the people from the Feversham home?

**Hon. Mr. Norton:** Just for clarification, I wonder if the member is referring to a closing of a nursing home. Is that what he is referring to?

**Mr. Blundy:** It is a home for retarded children and adults. I would think the minister would be aware of it.

**Hon. Mr. Norton:** I believe the facility the member is referring to is, in fact, a nursing home in which there are some mentally retarded residents who are being transferred. If that is the place he is referring to, and I believe it to be so, then I am aware of it. Our staff are working with the local association in that community in an effort to facilitate the relocation of those residents who are moving.

The reason I am a little less than clear on it is because of the reference only to the name of the facility. I am not sure I am thinking of the correct one, or whether the member is. I believe it is a nursing home.

**Mr. McClellan:** Perhaps neither of you is.

**Hon. Mr. Norton:** That's possible.

**Mr. Blundy:** Mr. Speaker, a supplementary question: It may be a nursing home, but it does have a number of retarded people, both young and old. I would ask the minister what he is doing to alleviate the situation there, where the people are perceiving it to be as if these patients were pawns in an inter-ministerial chess game? There is great confusion among the relatives of these people.

**Hon. Mr. Norton:** I have just received some clarification. It is, in fact, a home for special care which would be at the present time under the Ministry of Health. We are working with those families in an effort to find appropriate relocation for them in that community, and working with the local association for the mentally retarded.

#### PULP AND PAPER INDUSTRY

**Mr. Wildman:** I have a question for the Ministry of Industry and Tourism. Does the minister recall that he told the House on December 8, 1978, he would bring in a plan to develop the Canadian forestry and pulp and paper machinery industry in conjunction with his pulp and paper industry incentive plan, and that he would put that plan before the House this spring? It is now spring and I would like to ask the minister when he will be sharing his plan with us.

**Hon. Mr. Grossman:** I would like to read exactly what I said at that time. I'm not sure that's a direct quote in that we would have presented a formal plan as such. If that was the impression I left then I should take this opportunity to correct it.

**Mr. McClellan:** What did you mean?

**Hon. Mr. Grossman:** I will say exactly what I meant. I meant any action the government takes in the pulp and paper industry will be directly tied to the machinery part of that industry. To that end the discussions that have been carried on with very many pulp and paper firms with regard to the Employment Development Fund have in each case included discussions with regard to sourcing of machinery in Canada. As we get a better feel for the amount and the type of machinery involved, then we will be able to go on to a second step. This would be to meet with the various companies that might be able to supply that machinery and encourage them to respond to what will then be an apparent market for that machinery.

**Mr. Wildman:** A supplementary, Mr. Speaker: The minister commented last December 8: "... seeing if we can't put together enough people in industry to respond to what will obviously be a demand for that product and arrange for it to be made somewhere in Canada." Then further: "We would expect it to be before this House next spring. Or sooner."

The trade deficit on pulp and paper machinery increased in 1978 over 1977, leaving us with a trade deficit of \$83.4 million, and we are importing close to 50 per cent of our needs for this machinery. Doesn't the minister consider it worth pursuing this machinery inventory plan with all the vigour he can muster rather than just discussions, especially as it could be the basis for developing a sound high-technology secondary manufacturing industry in the north?

**Hon. Mr. Grossman:** Now that I've had a chance to read a copy of my remarks on December 8, I know the member will agree



that notwithstanding the way he posed the question today, I did not say I would be bringing forward a plan this spring to put together a machinery operation in the north. What I did say I will read from page 5837 on December 8, 1978. It was a response identical to the response I gave two minutes ago—that there's no point talking about pretending that an industry can grow up for the production of pulp and paper machinery, in the north or anywhere else, until we know the extent and size of the market there may be for that machinery.

When one is talking about very expensive and complex machinery, an industry can't grow up overnight relying upon the sales of one or two pieces of machinery that a particular firm might be able to build and supply. They are of course going to have to compete with long-established industry throughout the world which have the capability to build and sell those machines. I think it's only reasonable to look at that part of the market which may be in Canada and which we may have some influence over before we spend millions of dollars setting up an industry to respond to what may be a very limited and uneconomic market.

I am sure the member would agree with me that's the sensible way to approach this problem.

**Mr. S. Smith:** All you do is give away money.

**Mr. T. P. Reid:** Mr. Speaker, would the minister not agree that if he and the federal government are embarked on giving the pulp and paper industry millions and millions of dollars to upgrade their machinery or put new machines in, there should be some kind of commitment on their part to involve themselves with the government and spend it in Canada and buy equipment here, even if the government has to provide some incentive to some company to make that machinery in Canada?

**Hon. Mr. Grossman:** Yes, I do agree wholeheartedly. In fact, in our early discussions—some of them are quite far down the road—it appears that in one of the major early pulp and paper propositions that will likely be approved by the board, I think the figure—I stand to be corrected—when I last inquired was that about 80 per cent of the machinery could and would be sourced in Canada, in accordance with a commitment they would give to us. That is, in fact, a commitment we seek to extract.

When a company says to us that is the maximum it can purchase in Canada, what we do is take the entire list of machinery

it will be purchasing. We then go out and scour the market in Canada among potential suppliers and, if we locate someone who can make that particular machinery, we insist that as part of our grant it undertake to purchase that machinery as well.

The second part of the question was, would we give some money to some other firms if they needed that incentive to build those machines to supply that?

**Mr. T. P. Reid:** Not exactly.

**Hon. Mr. Grossman:** Well, I want my friend to have asked that.

I can safely say the answer to that question is yes—if the member had asked it in that way.

### RADIATION IN FOOD

**Mr. Bradley:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. It relates more to his ministerial responsibility for food.

Has his ministry or any other ministry of the government of which he is aware, any study of food which might have been imported from the area of Three Mile Island, in the state of Pennsylvania, to evaluate the effect of the escape of radiation on the food in the area?

**Hon. W. Newman:** Mr. Speaker, we have not directly, ourselves; although we would co-operate with the government of Canada, which is responsible for all imported produce. I will be glad to check with them and get back to the member.

**Mr. Bradley:** Even if there is not a considerable amount of food imported—indeed, perhaps there is not any food imported from that specific area; I understand it's largely dairy products, which would not be imported—would the minister feel that the information that could be derived from American authorities would prove to be useful to his ministry and the government in the light of the fact that, with our nuclear industry here, there is always the possibility we could have a similar accident, and we would have ahead of time the information that would be useful to the people of Ontario?

**Hon. W. Newman:** We do have ongoing discussions on all sorts of research and testing, not only at the provincial level and the federal level but also with our US counterpart on research; this sort of thing would be discussed at those conferences, which they have once a year.



### MINISTRY AMALGAMATION

**Mr. Grande:** Mr. Speaker, my question is to the Minister of Education. In view of the fact that her government has decided to stall the passage of Bill 19—the bill providing for the amalgamation of the Ministry of Colleges and Universities and the Ministry of Education—by refusing to establish a select committee or standing committee on education that has the power to report recommendations to this Legislature, and in view of the fact that all the briefs presented so far have called upon the government to establish such a committee on education, could the minister give us the benefit of her opinion as to whether the amalgamation—which I understand is almost complete right now—is legal, given the fact that there has not been legislative approval for that amalgamation?

Secondly, could the minister explain why it is that she and her government are so afraid of public input on educational concerns across this province?

**Hon. Miss Stephenson:** Mr. Speaker, as the minister responsible for this area and a representative of the government, I can assure the honourable member that we have had a great deal of public input. I am delighted that the public input is being shared with the members of the opposition at this point. However, I have not as yet made any statement to the committee because, unfortunately, I have not been able to attend the committee hearings at a time when I would be able to tell them what the decision was regarding Bill 19.

It would not be entirely correct to suggest that the government is holding up passage of Bill 19. I would suggest that the chairman and the members of the standing committee on justice are those who have made the decision that they will go through an exercise which will delay the implementation of the bill.

**Mr. Cooke:** It's the only way we can get public input.

**Hon. Miss Stephenson:** At the present time, the ministry is functioning in a new and better-organized way. But I would remind the honourable members that both the deputy minister and the minister have responsibility for both portfolios, and we are continuing to function in that way. It is also my understanding—and I hope the honourable member will correct me if I am wrong—that that bill was passed in principle by this House with no recorded vote at all. Indeed, every one in the House at the time was supportive of the integration bill. The interesting exercise we're

going through is going to be beneficial to the members.

[3:15]

**Mr. Cooke:** They were in support of the bill but not of the minister.

**Mr. Grande:** A supplementary, Mr. Speaker?

**Mr. Speaker:** Do you have a brief supplementary? The member's original was a five-part question. If he has a brief supplementary, I'll hear it.

**Mr. Grande:** I have a brief supplementary, Mr. Speaker. Are the minister and the Ministry of Education afraid her educational priorities are so totally wrong that she would not want the people of this province to bring reports to a committee of this Legislature on education?

**Hon. Miss Stephenson:** No, Mr. Speaker, I have no such fear.

### FOREIGN PURCHASES OF AGRICULTURAL LAND

**Mr. Riddell:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. Apparently, last week he revealed to the news media the results of his investigation into the foreign ownership of agricultural land in Huron-Kent and parts of Bruce county. He apparently indicated it was so minimal he was dismissing it as a dead issue. Perhaps he could enlighten this Legislature about his sources of information, on his survey. Why does this information not correspond to the many reports my colleagues and I are getting of the large tracts of land being purchased by foreign investors?

**Hon. W. Newman:** Mr. Speaker, in fairness the figures I gave last week were, except for Huron township and Bruce county, given to the member in the estimates. We had those figures and we wanted to see he had them in the estimates.

We did a 1976 report on Kent county and we updated that Kent county report to 1978. That was up until three weeks ago. We did a report on Huron county in 1976 and compared it to Huron county in 1978 and there has been a slight increase in there. We also did Huron township in Bruce county. We haven't gone back prior to 1976 as far as figures are concerned but from 1976 to 1978 the increase in the member's county was some 1,500 acres. I wouldn't want to guess at the figures, but it's less than half of one per cent of all the land in Huron county.

How did we get these figures? We first went to the computerized farm tax reduction rolls and if anyone had a resident address



outside Ontario, a non-resident address, we considered that foreign ownership. In many cases that could be Canadian-owned. It could be, for instance, someone who was living in Florida but still owned a farm back here, or was living in England and had a farm back here. They could still be Canadian-owned, but we accepted that as foreign-owned.

Second, we went to the registry office and checked with the registrar of the various registry offices in Huron county and in Kent county to get transfers. We also looked up numbered companies. In Huron county, there are a lot of numbered companies owned by fathers and sons. We took the numbered companies and checked them out. As I said the other day, all the numbered companies had Canadian directors except one from Alberta and one from Germany.

We did a random sample of about 10 per cent of all of Huron county of all registered partnerships. These were father and son partnerships and so forth. We didn't find any that were owned directly by non-resident people. That's not to say there are none.

I know what the member is coming to, but those were our sources of information. We also used the agricultural representatives in our particular areas.

I do know there has been foreign ownership of land in some areas and that is one of the reasons for the land transfer tax which makes it 20 per cent and which, I think, has had a great deal of bearing on the ownership of land by foreign buyers.

#### NOTICE OF DISSATISFACTION

**Mr. Grande:** Mr. Speaker, I always understood that if you have a point to make, you get up in this Legislature and make a point.

**Mr. Speaker:** A point of what?

**Mr. Grande:** Mr. Speaker, I would like to express a point.

**Mr. Speaker:** We're not accepting points of view today, not at this point anyway. If the member feels it's a point of order or a point of privilege, I'll hear it.

**Mr. Grande:** Thank you, Mr. Speaker. I'm dissatisfied with the answer the Minister of Education gave regarding the heritage language program and I wish to debate it at the proper time. Thank you.

**Mr. Speaker:** The honourable member knows he has to give reasons for his disenchantment in writing.

#### PETITION

##### HERITAGE LANGUAGES PROGRAM

**Mr. Grande:** Mr. Speaker, I would like to present a petition from 2,000 people, and I quote:

"Dear Miss Stephenson:

"We are shocked and dismayed by your recent proposal to reduce funding of the heritage languages program. This program was instituted after long years of struggle on the part of several community groups and has become a valid and important part of our children's education.

"Therefore, we most vigorously protest the proposed budget cuts for this program and strongly urge you to reconsider and rescind them."

**Hon. Miss Stephenson:** Just because they're not going to make a million dollars out of it, they call it a budget cut.

**Hon. Mr. Norton:** It's just loss of profit.

**Hon. Miss Stephenson:** Loss of profit, that's all.

#### MOTION

##### STANDING RESOURCES DEVELOPMENT COMMITTEE

**Hon. Mr. Welch** moved that the standing resources development committee be authorized to travel to Dryden on Wednesday, June 6, 1979, to visit the facilities of the Reed paper company and that the provisions of section 66 of the Legislative Assembly Act be not applicable.

Motion agreed to.

#### INTRODUCTION OF BILL

##### HALTON MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

**Hon. Mr. Brunelle**, on behalf of **Hon. Mr. Auld**, moved first reading of Bill 119, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Halton.

Motion agreed to.

**Hon. Mr. Brunelle:** Mr. Speaker, this bill dissolves the five existing commissions in the region of Halton and establishes new hydro-electric commissions for the municipalities of Burlington, Halton Hills, Milton and Oakville. The bill is based on the principles of the Hogg committee as tabled in the Legislature in February 1975 and is substantially similar to previous restructuring acts in Waterloo, Peel, York and Niagara regions and Oxford county.



No later than January 1, 1980, all customers within each of the four municipalities will be supplied by the new commissions. There is a provision, however, for earlier implementation as a result of agreement between a new commission and Ontario Hydro.

This legislation has been reviewed by Ontario Hydro and the Ministry of Energy in consultation with members of the local study team, the Association of Major Power Consumers of Ontario and the Ontario Municipal Electric Association. Discussions have also been held with the MPPs representing ridings in that region. On behalf of the government, I wish to express appreciation to the Halton local study team for its work.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Welch:** Mr. Speaker, before the orders of the day, I wish to table the answers to questions 194 and 195 standing on the Notice Paper. (See appendix, page 2534.)

#### ORDER OF BUSINESS

**Hon. Mr. Welch:** Although notice hasn't been served previously, I wonder if the House would agree that we might call the three private bills that appear on the order paper; that is, orders 42, 43 and 44. If there are no objections, I will proceed to call them.

Perhaps while I'm on my feet I will remind members that the House is in session this evening and tonight we are taking into consideration orders 35 and 36.

If there is no objection, could we proceed with the private bills?

**Mr. Speaker:** Do we have agreement?

Agreed.

#### ORDERS OF THE DAY

##### TOWN OF NIAGARA-ON-THE-LAKE ACT

Mr. Ruston, on behalf of Mr. Kerrio, moved second reading of Bill Pr1, An Act respecting the Town of Niagara-on-the-Lake.

Motion agreed to.

Third reading also agreed to on motion.

##### DELILA CONSTRUCTION LIMITED ACT, 1979

Mr. Kennedy, on behalf of Mr. Jones, moved second reading of Bill Pr11, An Act to revive Delila Construction Limited.

Motion agreed to.

Third reading also agreed to on motion.

##### BOROUGH OF EAST YORK ACT, 1979

Mr. J. Johnson moved second reading of Bill Pr12, An Act respecting the Borough of East York.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of supply.

#### ESTIMATES, MINISTRY OF INTERGOVERNMENTAL AFFAIRS

(continued)

**Mr. Swart:** Mr. Chairman, I am pleased to continue with the comments I wish to make leading into discussion of the estimates of the Ministry of Intergovernmental Affairs.

On Friday last, I emphasized to the minister the great responsibility and the great opportunity he and his government have, in conjunction with the federal government, to promote a joint economic strategy for this nation and for this province. If they took the right measures they could go a long way to alleviate the serious unemployment situation, provide a program of import replacement, introduce new environmental measures and so on.

I also pointed out that this government, both on its own and through its relationships with the municipalities and the federal government, had brought about a widening of the gap between the poor and the affluent in this province and they should take the necessary steps to reverse that trend so that when we are in a period of rather hard times the brunt of that should not be borne by those in the lower income but there should be some greater equality in our society.

I agree generally with the minister's comments with regard to the constitution and our relationship with our sister province of Quebec, but I warn him about getting trapped in terminology such as "sovereignty association," which may not have an exact meaning. I guess the convention of the PQ over the past weekend emphasizes that danger. Sovereignty association has a different meaning now than it had just a few short days ago. I suggest it can change perhaps half a dozen times in interpretation between now and the time the actual vote takes place. All I am saying to the minister, really, is let's make it clear that we'll never be party to negotiating any breakup of this nation, but I think we should stay away from hard stands on elusive terminology.

[3:30]

When the debate concluded on Friday, I was talking about the need for a legislated



revenue-sharing act dealing with the sharing of revenues between the province and the municipalities. I suggested it's desirable to provide adequate revenue for the municipalities, and I pointed out that the share of their expenditures they are having to raise from property taxation has increased rather substantially over the last five years. We should have the revenue-sharing legislation to assure municipalities that that kind of decrease is not going to take place, and in addition to that to provide some orderly planning for the future.

All I can say today is that there is another reason it's desperately needed in this province. They have legislated revenue-sharing in BC and in Saskatchewan. The reason we need it here is to re-establish the credibility of this government with the municipalities of this province. The minister's predecessor—and I'm not blaming the present minister for it, though he does represent that government—reinterpreted the Edmonton commitment some two or three times before finally abolishing it. I could take the time here, and perhaps should take the time although I won't do it at this time, to read the critical comments of the provincial-municipal liaison committee when those changes were made, when the government unilaterally made those changes in the Edmonton commitment and when it abandoned that commitment.

I should read through those now for members, although I won't take the time as they have been read into the record before in this House, those critical comments of the provincial-municipal liaison committee when the government over there abandoned market value assessment after having spent something like \$100 million to \$150 million of taxpayers' money on the reassessment program.

I could read the comments of the provincial-municipal liaison committee and others from this year. The government broke its commitment to the municipalities when it promised them that it would increase transfers this year in an amount equal to the expenditure of the government, then when it came time to actually apply that the government left out its own capital expenditure, which had increased by something like 12 per cent, and transferred to them only five per cent instead of the six per cent which they had every right to expect under the commitment which the government had given them.

The minister has indicated in a statement in the House that the transfer now will be in the neighbourhood of 5.4 per cent instead of six per cent, but it is still below the com-

mitment he gave to the municipalities. I can just say that in my more than 30 years of being involved one way or another in municipal government, most of it in an elected position, and during my service in this House, I have never seen municipal associations have less faith in the words of a government than they have in this government.

Apart from the merits of legislated revenue-sharing, the government desperately needs it to establish its own credibility. I suggest if it isn't done it's going to take years to re-establish that credibility. I suggest the government is not just going to have the time, it is not going to have those years to re-establish it.

I point out again that it does not necessarily cost the government anything to have a legislated revenue-sharing policy or a legislated revenue-sharing act. You can write anything into it that you wish. If you feel you are so short of money now that you can't possibly increase the amount the government is giving them, at least they would be able to have the guarantee to know that it would not go below that next year. The minister says he wants flexibility; I suggest it is the kind of flexibility to reduce it again further next year that the minister should not have.

There is another matter I want to mention. I disagree very strongly with this government's policy—and I guess it is the minister's policy too—to leave the municipal finance branch and the intergovernmental finance and grants policy branch in the Ministry of Treasury and Economics. I do not see how the minister can possibly have the stature in dealing with the municipalities and municipal associations in this province if he does not even have a budget within his own ministry; if he has to go cap in hand, any time he wants additional funds, to the Treasurer of this province.

I think it was Baron Rothschild who once said something to the effect, "If I can have control of the money in a country I don't care who makes its laws." That applies to the Ministry of Intergovernmental Affairs; if some other ministry has control of this ministry's money—of course, it is all in the same government—it does not give the minister the direct application of policies and the right to change and reinterpret policies, if you will, that he would have if he had the budget as, incidentally, practically all other ministries have in his government. I intend to pursue this a bit further.

**Hon. Mr. Grossman:** Were you quoting Rothschild?

**Mr. Swart:** Yes, I was quoting Rothschild.



**Hon. Mr. Grossman:** I'd better stay and listen. This could be an enlightening experience. He is turning over in his grave now.

**Mr. Swart:** Within this context, if the Minister of Industry and Tourism had been listening, he would realize it would not do anything to enhance his own government.

There is one further suggestion I want to make to the Minister of Intergovernmental Affairs, and I hope he will consider this suggestion seriously. If I could, I would also like to have his attention for a moment.

It is my view, and I think I hold it with some validity, that the planning branch of the Ministry of Housing should now be transferred to his ministry and that he should become responsible for all land-use planning in this province. I think it is understood that planning is a very fundamental responsibility of municipalities; practically all other aspects of municipal operation—the provision of other services—are tied in with the whole issue of planning.

The Minister of Intergovernmental Affairs is much closer to local government in this province than is the Minister of Housing. The decisions that are made with regard to planning, the approvals which the government has to give, I believe should be made by the minister who is closest to municipal government, who has the most dealings with municipal government, and who has the greatest understanding of the problems of municipal government. That certainly is not the Minister of Housing, because, apart from planning—and even including planning—the majority of municipalities in this province do not have any contact whatsoever with the Minister of Housing.

Therefore, I would very much like to see that branch brought under the jurisdiction of the Minister of Intergovernmental Affairs, because—if I dare say this—I believe the minister has the qualities and is the type of person who could administer the Planning Act—which is always difficult to administer—in a fair and yet perhaps a firm manner, as is certainly required with planning in this province.

In conclusion, let me say that whether it is a case of credibility, whether it is a case of adequate transfers to municipalities, whether it is using the government's clout to improve the economic situation, or whether it is fairness in taxation and the provision of services, the record of this ministry—which, of course, previously was a combined ministry for the last three years—is a dismal one. I say it is a long road back. I say to the new minister that I urge him to pick up the suggestions from this party, start on that road

towards a better relationship and a more adequate funding and more adequate direction for local government.

**Mr. Deputy Chairman:** We will proceed with vote 601, item 1.

**Mr. Epp:** Mr. Chairman, may I raise a personal point? The two opposition parties have two different critics for this ministry. For instance, the member for Ottawa East (Mr. Roy) has the interprovincial and the federal-provincial affairs, while I have municipal affairs. The member for Welland-Thorold (Mr. Swart) has the federal-provincial affairs and the member for Wentworth (Mr. Isaacs) has the municipal affairs. So I am wondering whether it is permissible to have four speakers make opening statements with respect to this, rather than only two?

**Mr. Deputy Chairman:** I think so. I had overlooked that point. That seems reasonable. I would, however, draw the member's attention to vote 602, which is the intergovernmental affairs program. That is the one in which we would hope the members could keep most of their debate and questions concerning federal relationships. But in view of the reminder from the member for Waterloo North of the split personality of this ministry, I would then presume the member for Ottawa East wishes to proceed at this point.

**Mr. Roy:** Yes, Mr. Chairman. I appreciate your indulgence.

I would remind you of the reason for needing this: the minister also, in making his opening statement, divided his remarks into two parts. He talked about local government and then he talked about federal-provincial relations.

The critics in the Liberal Party at least are divided on logical lines; I cannot speak for my colleagues to my left, but it makes sense to us that federal-provincial relations, the unity of Canada and that sort of thing, would require the full-time work of a minister. We feel there should be another minister taking care of relations with local governments.

I have read the minister's speech and there are a lot of good things in it. I read especially the part dealing with national unity, federal-provincial conferences, the minister's approach to the Quebec referendum, sovereignty association. I would agree with most of what the minister said in his speech. In my opinion, Canada is approaching a crisis situation, and I suggest the unity issue is more important than ever now after the recent federal election. The main support for one of the major parties is in the province of Quebec but they happen to be in opposition, whereas



the party in government has very little support in that province. I suggest that is going to be a very serious problem.

The new Prime Minister has tried to correct this problem by appointing—I haven't had the official word on this, but I understand there has been one appointment from the Senate. That doesn't really change very much in the sense that one has always had a Senate appointment anyway. I don't know what portfolio this senator was given. I don't know if he is a leader in the Senate—

**Hon. Mr. Wells:** He is Minister of Justice.

**Mr. Roy:** Flynn?

**Hon. Mr. Wells:** Your colleague, Bob de Cotret, is closely involved within the Senate now as Minister of Industry, Trade and Commerce.

**Mr. Roy:** The minister has got to be kidding; oh my God.

**Mr. Epp:** You never know who's going to come out on top in these things.

**Mr. Roy:** He thought he had lost the election, Mr. Chairman. Can you imagine that, having a political career? Only Joe Clark has had a career that—

[3:45]

**Mr. Deputy Chairman:** I will refrain from comment.

**Mr. Roy:** Only Joe Clark has had a career that has risen on a sharper scale than Bob de Cotret. A few years ago he was just a speech writer in Richard Nixon's office—that's the other Nixon, the one in the US. Now, as I understand from the Minister of Intergovernmental Affairs, he has been sent to the Senate and is a cabinet minister as well.

**Hon. Mr. Wells:** He was called to the Senate.

**Mr. Roy:** Getting back to my point, you can understand that even with these appointments there will be far fewer ministers from the province of Quebec or French-speaking ministers who will be able on a consistent basis to go to the province of Quebec and carry the federal flag, as has been the case under Prime Minister Trudeau. I'm not making any value judgement about the respective qualities of Trudeau or of a Conservative government as opposed to a Liberal government. I'm just saying I perceive that to be a major problem; and it is a problem that is clearly going to be exploited by Rene Levesque, we see him doing it right now.

Not long ago, as you will recall, the conflict seemed to be constantly between Levesque and Trudeau. Levesque couldn't stand Trudeau and was knocking him down at

every opportunity. Now he is going to take the approach that, "My good pal, Pierre Trudeau, has been rejected by English Canada." Hopefully that is not going to wash, but there is going to be a serious attempt by the Parti Quebecois to say that the last federal election was basically a rejection by English Canada of "one of ours." In other words, "My chum, Trudeau, was rejected by English Canada; therefore the federal election confirms what we have been talking about all this time, that there are two Canadas and that French Canada voted one way and English Canada voted the other way."

That is a facile explanation and I don't perceive the election in those terms, but certainly it is going to be exploited by Levesque. I mention this because I think this minister—and I don't like to throw flowers in too easy a fashion—would make an excellent minister in charge of intergovernmental affairs. I consider that to be an important portfolio at this time. At this juncture in Canada's history we could use a minister taking care of federal-provincial relations on a full-time basis; taking care of the constitution and putting forward Ontario's position, because Ontario's position is going to be the most important one at this point.

I suspect Ontario is going to be the key province in all of this. When Levesque talks about sovereignty association in Quebec, obviously he is talking about association with Ontario. I don't think association with the other provinces would matter very much to him, he is talking about Ontario. The major trade exchanges are between Ontario and Quebec, so Ontario's position becomes extremely important.

I am somewhat saddened in these circumstances that when Ontario's position is extremely important and when it must give leadership this minister, who is in charge of what I consider to be as important a ministry as any existing now in government at this juncture of our history, is caught up with the day-to-day affairs of local municipalities. I don't want in any way to denigrate relationships with municipalities, as I think they are very important. The fact remains, however, that it requires a full-time minister to take care of that.

In looking at the estimates for this ministry I see the amount of money going to local municipalities. I understand there is more money on that side because of transfer payments, et cetera, but the fact remains that this is a very important ministry. I would suggest that most of the minister's work is caught up in dealing with municipalities and



not in giving leadership in the area of constitutional reform, relationships with other provinces, and finally on the relationship with the federal government.

I say this, and I don't think I can say it often enough, I think it's patently unfair when I look at the split of different ministries existing presently in this cabinet and consider the relationships. For instance, just behind you is the Minister of Housing (Mr. Bennett) who claims he doesn't have very much to do and his ministry should be phased out. There's a fellow who is doing that, and meanwhile here is a minister who has to take care of municipalities, federal-provincial relations, interprovincial relations and so on; I don't understand that.

I look at these policy secretariats as well—and I don't want to offend my friend, the minister of the north, Mr. Brunelle—but I really do think, when I consider the allocation of responsibilities between various ministries, somehow I come to the conclusion the Davis government has not fully realized the importance of constitutional reform and the leadership Ontario can give at this juncture in the history of Canada. I think it's sad.

I would trust, in spite of the fact the establishment has been built up and the ministry has been built up, it is not too late to say we have one minister who's in charge of looking after federal-provincial relations, one minister who can be the voice of Ontario giving leadership in the unity debate. I think the present minister, Mr. Wells, would be an excellent minister to do that, but unfortunately I suspect most of his time is caught up. I can only come to the conclusion that somehow the Premier (Mr. Davis) has not given the ministry, or this area at this time, the importance it deserves. I'm saddened by that.

The other thing of concern to me is what is happening now on federal-provincial conferences. We have heard just recently that Claude Morin, Minister of Intergovernmental Affairs in the Parti Quebecois government, has said there should be no further federal-provincial conferences until the referendum. I consider that to be idiocy. He's saying he doesn't want to have federal-provincial conferences because it might muddy the waters as far as the referendum is concerned. If you don't have federal-provincial conferences the main thing you're going to be saying to the province of Quebec is: "There have been no results. Since the election of Joe Clark there have been no federal-provincial conferences; and obviously the reason we didn't have any is because we wouldn't accomplish anything anyway." He's asking for one thing; he's go-

ing to be reinforcing his own argument when he's asking the people of Quebec to vote for sovereignty association.

I think Ontario should take the lead, and if possible we should take advantage of a new momentum now that there has been a change of government federally. I say this with a certain amount of concern, because I'm not that optimistic, personally, about Joe Clark, I really am not; but the fact remains the man should be given an opportunity to see what he can do. Given these circumstances possibly he could work with some of the provincial premiers. I suspect nobody can work with Levesque, because as long as he talks about sovereignty association it's going to be awfully difficult to arrive at some unanimity before he has his referendum.

Nevertheless, I think leadership should be provided by Ontario to see we have a federal-provincial conference as soon as possible now that we have a new Prime Minister. I think the Premier, through the minister—or possibly the minister wants to do it—should advise his national leader of Ontario's approach to constitutional reform.

First of all, he has to brief Joe Clark on Ontario's exact position. It was obvious during the television debate that Joe just didn't know what Bill Davis had said at the federal-provincial conference in February, he just didn't know. The Premier or this minister should advise the new Prime Minister of Canada that repatriating the constitution should be done unilaterally if you have to do it. That's what Bill Davis said. Joe didn't seem to be aware of that. In other words, hopefully the position taken by Ontario will be supported by your national leader.

This is an important step. The approach taken or suggested by the previous Prime Minister was something that was positive, without attaching it to any amending formula. Let's not muddy the waters there. I think on that basis we should make sure that Bill Davis and Joe Clark are on side on that issue.

We should make sure, as well, that the new Prime Minister is aware of the Ontario government's position in relation to enshrining fundamental rights, because I don't think the approach taken by Ontario is something that Joe Clark agrees with at this point. As I understand Joe Clark's position, he sort of agrees basically with the Pepin-Robarts report that if there's any enshrining of rights, especially language rights, in the constitution it should be done on the provincial level, with only provincial consent that they can opt in.



I really think the new Prime Minister's position has been somewhat vague and somewhat uncertain in that area. I think it's an opportunity for this minister, possibly for the Premier, to get him on side on this, to see that the new Prime Minister agrees with Ontario's position. As I understand it—and the minister can correct me—I think it was Ontario's position that they wanted to enshrine fundamental rights in the constitution, including language rights, at least in the area of education. That's how I interpret Ontario's position.

By the way, I think you could go a step further; your enthusiasm should not be so moderate. You should move in, maybe, in the area of justice as well, or government services. You could go a step further; it would be an important step.

I'm not sure that the new Prime Minister is really on side on this point and I think it would be important for Ontario to advise him of what our position is.

Ontario's approach to the constitution—I don't intend to embarrass you and go through the whole history of it. I would just remind you that if the people of Quebec have some difficulty in perceiving what Ontario's position is, it's with some reason.

I can recall after the election of Rene Levesque, back in November 1976, that Bill Davis really didn't know what was up. He said: "It's business as usual. There's nothing to worry about." I can recall his trips to the Quebec Carnival, not really being too sure of which side to go on. I guess he didn't think that Rene Levesque and the Parti Quebecois were serious about their approach or about their policies, or that they were coming forward with a referendum.

It took basically two years. It's only in the last year, at the end of 1978 that the Premier has come down hard on the fact that sovereignty association, or at least association with sovereignty, is not something that's negotiable by Ontario.

I think the minister says it well. I've read his comments in his speech and I agree with most of the things he says. I agree that it's somewhat misleading the public of Quebec for Levesque to think he can have all the benefits of independence along with the benefits of association. I think with association comes the responsibility of federalism. You can't have it both ways. I think it's important that Ontario's position come down clear on that point.

I was pleased to see as well—because I've heard the Premier basically talk in a nega-

tive sense on that issue, saying sovereignty association is not negotiable, period. But we should talk about something that is positive. We should help the federal troops in Quebec.

I think it should be very clear and I think the minister makes it clear—he refers to Ryan in his speech—we should make it clear to the people of Quebec that we are for something positive as well, that we in Ontario believe in constitutional reform. We believe, for instance, in Quebec's right or in giving them the tools to protect their language and their culture, and so on. There are changes that are needed in this constitution that's 112 years of age.

I think it's important that the message doesn't get across to Quebec—and I'm afraid that happens very often—that Ontario is only for the status quo, that we're prepared to continue with the situation that has existed for so long. I think it's clear that the message go to the people of Quebec, go to the majority of Quebecers who still believe in federalism, that we are prepared to negotiate, that we are prepared to participate in changing and reviving, in having a constitution which would represent the society of the 1980s and not only that of 100 years ago. The only fundamental principle we think must be continued is that we start from a premise of federalism. That's where Levesque's position becomes untenable and that's where we fail to accept it. His premise is based on independence and he cannot have it both ways.

[4:00]

Some people like to think that Ryan's position is somewhat that of sovereignty or independentiste by just another word. It really is not. His basic, fundamental premise is that of federalism, but he believes in fundamental and basic changes.

That's the message that Ontario should be sending to Quebec. We should emphasize that we not only say that sovereignty association is not negotiable, but we should say it is not negotiable on those terms. We should say that amending the constitution by making it responsive to the Canada of the 1980s and to the needs and requirements of the people of Quebec and other provinces is something that Ontario believes in, as long as the basic premise is that of federalism.

The other area where I'm critical of Ontario, is that of late the Premier has been quick to condemn Mr. Levesque about so many of his approaches. I don't disagree with that stand, but when I view the other federal-provincial conferences and I see the positions the other Premiers take, I find the



fact that the other Premiers are of the same political stripe, or at least under the title of Conservative, seems to be somewhat of an impediment for Ontario to take an approach and to condemn some of the approaches taken by some of the other Premiers.

It's all right to call Rene Levesque a separatist and that sort of thing. He comes up front and doesn't mince words, he says that is his position. But I sometimes wonder about the approach Premier Lougheed in Alberta has taken. If we were to accept what Premier Lougheed is asking for, as I understand it he wants absolute or darn near full control or jurisdiction over natural resources, and even international trade and international relations with other countries. It's important that Ontario re-emphasize federalism not only on behalf of the province of Quebec or on behalf of Rene Levesque, but on behalf of some of our western colleagues.

I have never been so disappointed as I was after attending the last two federal-provincial conferences, not only because very little progress was made but because I sometimes sat there and thought there were 10 different countries talking to each other. We were not talking about the same country. The spirit of federalism was not only lacking from Rene Levesque, I thought it was lacking from certain other Premiers. I name Lougheed, but Lyon in Manitoba does not inspire confidence for federalism either.

It's important, if Ontario is to give leadership and if Ontario is to show the way, that our approach should not look in just one direction, to the east. We should be looking to the west and we should state that with respect to some of the approaches taken by people who profess to be for federalism, if we were to accept what they're suggesting in practice we might as well forget about the country, because this country will not stay together if there is serious disparity from one province to the next province. I'm afraid that is what would happen if we were to accept all of the requirements or to accept all the demands, of some of the provincial premiers.

There is another thing I want to be a bit critical about. I've said this many times to the minister and I've certainly said it many times to the Premier. It's important, if Ontario is to have credibility with the people of Quebec, that this government be seen as doing something.

One of the fundamental suggestions Ontario made at the last federal-provincial conference was for the preservation of the unity of a Canada wherein our bilingual and multi-cultural heritage can flourish.

But that's not the picture of Ontario. I know great progress has been made here; and a lot of the credit has to go to this minister and to some of his colleagues. Many of the things that have happened have gone unnoticed at times. I come back to the overall strategy, the strategy of the Premier of this province, who keeps insisting, as he gives rights to the French minority in this province, that he does it in a very subtle way; but when he refuses them, he does it with a lot of flair and a lot of publicity and so on.

The perception of Bill Davis in the province of Quebec is more of the guy who denied, for instance, requests by the Franco-Ontarian Association about, let's say making French an official language. That's not a stand I particularly agree with, but there was an awful lot of publicity about that stand last year. The denial of the Premier was not one of, "Look, we can have problems; there are practical implications;" the denial of it was brutal and it was harsh.

Just like his approach a year ago, last June, in relation to a bill I presented in the House, a bill that was extremely moderate. There were 100 options for the Premier and the government to take; but no, he did it with flair and pizzazz and as brutally as possible; to the point where he in fact distorted what the bill represented. That was the message that went back to the province of Quebec.

If one is asked by one's friends in Quebec: "What progress have you made? (We hear that Davis has done this and that"; and one says, "Do you realize that just a few weeks before the rejection of Bill 89"—the bill I presented—"there was an amendment to the Judicature Act which was passed in the House, possibly the single most important piece of legislation for minorities in Ontario since the Education Act back in 1967-68." They haven't heard about it. They didn't hear about this amendment that would guarantee rights to the minorities in our courts; they haven't heard about it.

If you were to say to me those are the circumstances of political life; I will say to you that's not the case, I consider it to be part of an approach.

I come back to this point: It may be good politics in Ontario—God knows after 37-some years in power you people seem to know something about staying in power and getting votes in Ontario—but the fact remains that if it's good politics in Ontario sometimes it's not very good politics on the national level; sometimes, when forces are working towards the division of the country, it's important



that the national scope take some precedence.

That's why I am critical of the approach and I think this minister has a role to play in this. I will give you another example. I think it's going to be important in the referendum debate, extremely important, that we have the French minority in this province as an ally in the debate for federalism.

Look what has happened, again recently. As far back as the Mayo report, that was two or three years ago, it was suggested that in Ottawa-Carleton there should be a homogeneous French-language school board. That was accepted unanimously by the school boards, by the councils of various municipalities in the Ottawa area, by various leaders. It was accepted by almost everyone. Of all these suggestions from Mayo, it was probably the one that had the most unanimity.

Do you know what? This government, in a green paper, rejected it. Professing to send out a green paper to try to get some consensus in the Ottawa-Carleton area, they said, "We want a consensus, we want people to make up their minds." There was a consensus on the issue, yet that was the only issue that was rejected by the government.

That issue is going to come back; that issue is not going to die. Again, just last week, the Carleton school board, the Ottawa public school board, stated they considered "the suggestion in the green paper on education in Ottawa-Carleton is not workable"; that what they call the "French component" in the schools is not going to be a working proposition. In fact the Carleton school board has set out which schools should be divided. It has done the work of the ministry; yet I suspect it's going to be rejected again.

There is a lot of publicity about this in the province of Quebec, and these are the things that chip away at the credibility of this Premier and this government. I don't take any particular delight in saying that. All I am saying is it is extremely important that not only your words have credibility but your actions as well. Your words will have far more credibility if they are backed up by action. This approach, when giving something you do it suddenly and when you refuse it you do it with a lot of pizzazz, is not something that is very beneficial in the overall debate about national unity.

I think just last week in the Toronto Star there was some talk about the proposal in the throne speech about debating a resolution on national unity in this Legislature. It is something we could have expected sooner, since 1976 in fact. In case anyone has doubts

about the approach of this party or the approach of this member about such a debate, we have always looked forward to it. A lot of things have been debated in this House which we think have had far less importance than a debate such as this.

Our approach throughout has been that if we are going to have that sort of debate we can have substantial unanimity. We can have much positive input by a variety of members on such a debate; but for God's sake let's have it at a time when it can have maximum impact. Having waited three years for the debate, why not have it at a time when it can have maximum impact.

The time for that, of course, is as close to the referendum as possible. Having waited this long, I don't see what the hurry is in proceeding with it. If anyone has any doubts about whether we are in favour of stalling it, it is not a matter of stalling it, it is a matter of having Ontario's position clearly and forcefully set forward and giving it maximum impact.

Throughout this referendum debate in Quebec, and we have just seen it over the weekend, it is obvious the approach is a very simple one. The Parti Quebecois is proceeding in steps on their move towards independence. They are watering down. It is obvious that it is most important to them to have a "yes." In other words, the answer is far more important than the question to the Parti Quebecois, so they are going to water the question right down.

There is one thing they are obviously going to have to be saying in connection with sovereignty association. Parizeau has said this and Levesque has said it repeatedly; that there is no way Ontario will not bargain, because it is in the province's best economic interest. It should be very clear, as the minister said in his speech, they just can't have it both ways. We should say that as close as possible to the referendum; and it would be most forcefully put if it were said in a debate and it received unanimous support.

This has been our approach. If there has been some delay in bringing on this resolution, so be it. We have waited three years for it, let's have it at a time when we can have maximum impact. That is the approach I feel should be taken.

Mr. Chairman, I appreciate your courtesy in letting us proceed in this fashion; hopefully we will have something further to say as the estimates proceed.

Mr. Isaacs: Mr. Chairman, it is a pleasure and a privilege for me to participate in discussion of these estimates of the Ministry of



Intergovernmental Affairs as the municipal affairs critic for this party.

The minister is well aware that when his ministry was set up almost a year ago the spokesmen for this party were saying to the government that we need a separate ministry for municipal affairs. The minister is also well aware that municipal organizations and leaders of those organizations have been saying that for a long time.

[4:15]

I think the record of the ministry during its first nine and a half months, with the number of problems that are facing the two sides of the ministry as they have been described by the previous speaker, suggests that the idea that we need a separate ministry for the municipal area is still very valid. I feel that it's in recognition of that that my party has stuck with a separate critic for municipal affairs and I am very privileged to have been appointed to that position.

As the minister is aware, it's only seven weeks since I left the municipal arena myself, and while the municipality that I left may not be as great, or should I say gargantuan, as that from which the parliamentary assistant came, the municipality of Metropolitan Toronto, I think that the town of Stoney Creek is an auspicious municipality in its own way.

Certainly in terms of its involvement and its leadership, I have to say that I have a great deal of respect for its mayor, Gordon Dean, who has provided leadership to the council of Stoney Creek. He and I differ on a great number of issues, just as I differ with the positions that are taken by members of the other side of the House, but nevertheless I have a great deal of respect for him and I hope that over the past two and a half years when I served on his council he at least learned from me that members of this party do not have horns and can make a useful contribution.

I also want to associate myself with the praise that was heaped upon the officials of the new ministry by my colleague, the member for Welland-Thorold (Mr. Swart). He makes those comments so much better than I do that I will keep my remarks to associating myself with them. I think the ministry has certainly made some steps forward.

When the minister came to speak to the Association of Municipalities of Ontario at their annual meeting last summer he had only been in office literally a matter of hours. I remember he talked to that conference about what he saw as the three Cs. As I recall they were communication, co-operation

and something else that temporarily slips my mind. I think the minister is making a very real effort in those areas, but I think the minister is also aware that there is a quagmire ahead and that unless the direction of the government takes some very serious changes then that kind of co-operation, that kind of communication cannot continue simply because the morass of problems facing our municipalities are going to overwhelm him and overwhelm his ministry. I think that would be unfortunate.

The problem of money is always the problem that's put first, and I regard that as somewhat sad, because I don't think money is everything, and I don't think money will buy everything. But unfortunately, with the abandonment of the Edmonton commitment, with the plaything that municipalities appear to have become in the eyes of the government, I think we really are heading into some problems that do depend on dollars.

It seems to me that property taxes have become in the eyes of the government just another form of provincial government revenue. They have joined sales tax, gasoline tax, liquor tax, tobacco tax, corporation tax, land transfer tax and all the other kinds of taxation that we have in this province as a mechanism for the provincial government to raise revenue. They are no longer related to the cost of services in a municipality.

They no longer help to provide residents with those local improvements, with those local facilities and with those local services that residents believe property taxes provide them with. The whole grant structure, the whole game that we are now playing since the government got out of the commitment it had made to municipalities, means that we really are seeing property taxes as just another way for the provincial government to aim towards balancing the books.

I think that policy is wrong and I hope that the minister in the years to come will consult with his colleague, the Treasurer (Mr. F. S. Miller), and with the others in the cabinet who are concerned about this area and come to grips with it. Of course I hope property taxes and grants to municipalities will become enshrined in legislation, as my colleague has suggested. If that is not possible, I urge the minister to look at making a new commitment to municipalities, so they know where the province stands, so they know what sort of money they can expect next year and the year after, and so property taxpayers can judge the government on the basis of a commitment it is making rather than on a policy that changes from year to year. It is only by means of that kind of



organized commitment that municipalities can conduct the planning necessary for their future.

I very seriously believe municipal government is the most important form of government for the property taxpayers of this province. Municipal government provides people with services that are very visible to them and very close to them. After consultation with many of my colleagues, and I am sure it is exactly the same on the other benches, I know a lot of the problems, probably the majority of problems that are coming to the members from their constituents, are based in some way on services to which the municipal level of government has input.

I would like to see the province enshrine in legislation a constitution, if you like, for the municipalities of this province, with terms of reference that state generally, but clearly and concisely, what the relationships between municipal government and provincial government, and between municipal government and people, are to be for now and for the future. I think if that approach were taken many of the hassles we get into in municipal government and with regard to municipal government could be avoided.

If I can just take the example of annexation, which is one that is very close to the hearts of many who live in close proximity to our larger urban centres, and which in a sense is the heart of the problem many regional municipalities are facing at the present time—except within a regional municipality it is not called annexation, it is part of the regional review process; but it still involves shifting municipal boundaries in order to move people from one municipality to another without physically moving their homes.

The government has been unable to come to grips on how to deal with municipal boundaries, with annexation, because there is no philosophy lying behind it. If we understood there was one sort of municipal government for urban areas and another sort of municipal government for rural areas, then rural municipalities would know if they permitted urban development within their municipality the boundaries would be shifted in order to move the new urban growth from a rural municipality to an urban municipality; but we don't know that.

If we knew annexation was to be decided by a vote of the people who lived in the municipality from which land is being annexed, then we could set up our procedures; but that is not what is happening. If we knew decisions were to be based on the majority view in the whole of the area concerned, then

people in rural municipalities would know whenever a request for annexation came up they would lose because their voice would be outweighed by the voice of those who live in the city; but we don't know that either, though that appears to be what is happening at the present time.

We can play around with procedures, we can play around with the Ontario Municipal Board and with hearings, and with public participation and everything else, but unless we have the guidelines under which these things are to happen, then the battles are going to continue. The incredible expense to taxpayers of hearings and lawyers and everything else is going to continue and we are not going to make any progress in dealing with the fundamental questions.

In the minister's opening statement he made reference to the regional review that is being considered at present in one municipality in southern Ontario, but he conveniently forgot the fact that there have been regional reviews in several others and that there are other regions now waiting for a review. I am thinking in particular of Haldimand-Norfolk, which is the subject of some legislation on the order paper.

We have a problem in regional municipalities right now in that neither the people in the urban part of those municipalities nor the people in the rural part are satisfied with the structure that exists. I commend the minister for his comments about the review that is being considered now, because at least we are talking about public participation. But the world did not start on the day the Ministry of Intergovernmental Affairs was created, nor did government policy change dramatically on that day—at least as far as I am able to determine.

I want to suggest to the minister that he has to accept some responsibility for his government's policy over the past seven years since regional governments were first touted in a big way in this province. He also has to answer to the people who live in every regional municipality we have now as to what the future holds and as to how the problems they are facing are going to be solved.

Literally millions of dollars have been spent on reviews for the regions I am concerned about. Those reviews have been the subject of a tremendous amount of public discussion, and they now appear to be lying on the shelf, with one or two very small points having been implemented. The overwhelming majority of concerns—the important concerns of boundaries and representation and tax base and those kinds of things



—have been swept aside. Municipal councils in the regions have been told to sort it out by themselves and come back with recommendations. The minister knows full well those things are not going to happen, because battle lines are going to be drawn between the various sides within every single region.

The minister introduced recently some relatively minor amendments to the Municipal Act and to the acts affecting certain regional municipalities. I do not want to get into debating those now, but they too illustrate my concern about the lack of philosophy and the lack of guiding direction on the government side with regard to municipal government.

The bills that have been introduced do not deal with every request that has been made by a regional or other municipality. They deal with some of them; they deal with the less controversial ones. But other requests for changes to legislation have been left aside. I would like to know why. I would like to know on what criteria the minister decides whether or not to proceed with a request from a municipality for a change in legislation.

I am going to take one as an example, and that is the request from the regional municipality of Hamilton-Wentworth for transfer to the region of the power to set store hours within the regional municipality of Hamilton-Wentworth rather than leaving that item at the lower tier as it is at the present time. While I think the position that has been taken by some members of that regional council is not a responsible one, I have to say to the minister that, when looked at objectively, the request makes sense. Store hours, when municipalities are in close proximity, when suburban municipalities surround a large urban municipality, might well be considered as a regional matter.

[4:30]

There are other things being dealt with regionally that probably should be dealt with at the lower tier. Requests for those have not been forthcoming because of the battles that are going on at the present time. I really ask the minister how he decides which proposals to accept, which ones to reject and how the future of every region in this province is to be decided. If we leave it to the feuds among local councils, among citizens' groups, among the residents of the various municipalities, all we are going to do is breed bitterness; we are not going to come up with any solutions.

The matter of property tax reform is another area that is causing great grief to

municipalities at the present time. Year after year since 1969 we have had promises from the government that changes are to be made. It now appears that if changes are to be made they won't be made for some time in the future and those changes may not be like anything that is presently under discussion.

If that is the case, then fair enough. But again I suggest to the minister the solution won't be found until a decision is made as to what property taxes should be doing, what they should be paying for and what role of the municipality vis-à-vis its property taxes is to be. While we look at assessment as something separate from the role of local government, and while we look at the revenue raised from assessment as just another provincial government revenue, then the problems will never be solved to the satisfaction of people right across this great province.

Many other areas have been the subject of expressions of concern from municipal organizations over the past few years. The whole problem being faced now with regard to conflict of interest of local councillors and of school board officials seem to me to be based in the government's lack of trust of municipal politicians and of municipal councils. It seems to me that the government thinks of municipal government as something to which it can pass the blame when things go wrong, as something to which it can pass the responsibility for decisions that the provincial government doesn't want to take, and as a buffer between people with problems and the provincial government with the authority to solve them.

We only have to go through the Municipal Act to see the tremendous detail in which the role of municipalities is defined to realize that something isn't as it should be. I believe municipal councils must be given a position of trust, they must be given the power of ultimate decision-making in a certain group of areas and that the members of those councils must be treated exactly the same as the members of this House.

I must say I find it very strange indeed that the guidelines for conflict of interest for municipal elected officials are so very strict they prohibit input from an alderman or councillor or school trustee on the matter of negotiating a contract in which his or her spouse is a member of the bargaining unit, yet members of this House, particularly on the government side, are involved on a day-to-day basis in having input into decisions that affect everybody, including their families.



I really believe we have to put local councils into a position of responsibility. The planning area that has already been mentioned is, in my view, a prime role for local government, but at the moment planning is proceeding almost in a vacuum. Local councils are passing their responsibility for the ultimate decision to the Ontario Municipal Board. The municipal board is there as a quasi-judicial body which terrifies many of the population who wish to appeal, on humanitarian grounds, planning decisions that affect their immediate neighbourhood and their municipality. In the end, when it comes to the crunch, some of the really crucial decisions are being made by the cabinet. In that regard, the white paper introduced the other day by the minister's colleague the Minister of Housing (Mr. Bennett) is a step in the right direction, although it is certainly full of problems that we will be talking about some future day.

If the province would define the role of municipalities in the planning area, and if it would define its own goals for the development of Ontario, many of our problems could be solved. In addition, Ontario Municipal Board hearings such as the one going on today in the regional municipality of Niagara with regard to the preservation of fruitland could be avoided, and the tremendous expenses associated with those hearings could be avoided.

Local councils at the moment are chasing the dollar. They have the notion that growth means assessment, which means lower taxes for everybody. It can be demonstrated that is not true in the majority of cases, but it is still a myth held by many local councillors and a myth that this minister could do much to dispel and help to make Ontario a better place for everybody, to make sure that our land is used in the best possible way for everybody, rather than having the battles we are engaged in at the present time.

There are many other areas that have been the cause of concern of municipalities. Just the other day my colleague from Welland-Thorold and I were pleased to meet a delegation concerned about amendments to the Fire Departments and Police acts. I do not know why the government has not seen fit to move on those changes. Many of them seem very reasonable. If the minister intends to keep up with his commitment to communication, then I suggest to him that where municipal functions interact with other ministries, as they do most of the time, it is incumbent upon him to inform municipalities as to what is going on and why changes that seem very reasonable cannot be introduced.

I understand the response of the minister's colleague the Attorney General (Mr. McMurtry) to be that legislation cannot be introduced at the moment since the government will not be able to get it through the House because of the minority situation we have. I want to suggest to the minister that is just not good enough. The minister should not be prejudging the members on this side as to the action we will take on legislation. If he really wants to know what we think, I challenge the minister to get the legislation introduced, and we will then tell him what we think.

Many of my other concerns will be dealt with as we move through the estimates, but I want to reiterate that, until we have a direction from the minister and until we know where local government is headed and what local government is supposed to be doing, we are going to continue to be heading into problems. We have a responsibility to make sure that municipal government is good government, to ensure that it is responsible government, and to ensure that people know that when they elect a municipal council they are electing a group of people who have certain responsibilities, certain duties and certain functions; that group of people—their municipal council—will be there to do the job, and if the voters at the next municipal election do not like it, then they are to change their local council.

But the present setup, where we have appeals from municipal to OMB to cabinet, where we have the cabinet passing the responsibility for its decisions to municipal councils whenever it feels uncomfortable enough about making a decision that it would prefer to opt out, in those circumstances we are not going to have good municipal government and we are not going to have good relations between municipal and provincial governments in this province.

**Mr. Deputy Chairman:** Mr. Minister, is this an appropriate time for you to reply to the lead speeches? You don't seem very anxious to.

**Hon. Mr. Wells:** Oh, yes, I am, Mr. Chairman. Actually I was expecting there were going to be a couple of other lead speeches. But I guess they will come under the general vote.

I would like to thank all the members who have participated so far. The contributions have been very good. They have certainly pointed up some of the problems we have. They have been critical to some degree, and



we always welcome a little criticism over here. I will deal with that in a minute.

I would like to welcome the new member for Wentworth. While it may not be quite his maiden speech, certainly it is his maiden participation in the estimates. I welcome him and compliment him on his presentation.

I would like first of all to answer some of the things he said. He posed some good questions, one of them being: Where is local government going? Are we giving direction to local government? I think we are.

While we can all dwell upon the gloomy side from time to time, and it becomes very effective to do so when we are criticizing someone else about what has not been done, I think my friend would agree that basically we do have a good local government in this province; that we have 837 municipal governments made up of men and women who have been elected and who are doing a good job.

The member asked, where is the direction for them? From our point of view, I think we have tried to give them the kind of direction that we as another order of government can do. My friend will notice I use the term "order of government." Ever since I took over this portfolio we have tried to stay away from this business of referring to senior and junior levels of government, and so forth, because I do not view local government in that light. That is the beginning point in stating what the direction is to local government.

We have different services that have to be performed in this province for the people. Some of those services are performed by what we call local government, some are performed by provincial governments and some are performed by the federal government. The same people elect all of us, the same people pay their taxes to all of us, and the same people expect that all of us will co-operate and provide the services that we were elected and given the responsibility to provide. That does not mean we will not argue and discuss with each other from time to time. But basically it underlines that we have to be co-operating.

The theme I was trying to set at the meeting of the Association of Municipalities of Ontario was that very theme, that we are all working for the same boss, we are all working for the same taxpayers, and we have to sort out how we can each do our jobs best. That takes us, for instance, to the area of property tax. I do not agree with the member. Property tax is another tax, just like income tax, corporation tax, sales tax, the tax on liquor, and so forth. It is another one of the taxes that is collected from people in this country. It is collected by one order of government. It is collected for them to fulfil

their services. It is a tax that is exclusively for that order of government, local government in this province. But it is a tax, just like income tax, corporation tax and all the others.

Mr. Swart: Only it's more regressive.

Hon. Mr. Wells: It is not necessarily more regressive. My friends always talk about it being more regressive. We have tried to do things to make it less regressive. But the fact is that it is the most convenient tax for local government. It has always been the tax that has been reserved especially for local government, along with other things, such as licensing fees and so forth.

[4:45]

But if that is the case, then it has to be viewed in the context with all the other taxes, because it is a tax that comes out of my friend's pocket and mine. Therefore, we cannot separate it and put it away as something special. If it is regressive, we have to attack that regressivity. That doesn't necessarily mean it's a bad tax. I suppose if we were all to get right down to it and ask the people of this province they would say all taxes are bad. They would love to get rid of them all. They would love to have no taxes and yet they'd love to have many more services provided for them, which is a situation that it is not possible to have.

We're living in a day and age where governments have been asked to provide more and more services. Those services have to be paid for, therefore we have taxes and we have to sort out what governments have various taxing powers. We discuss and negotiate with the federal government over their tax sharing because they have very broad tax collecting powers by which they can collect money, again from the same people. We have powers to collect other moneys and the local government basically has property tax.

As I said, you have to look at them all together. I do not have all the figures in front of me and I can't pull them out of my head at the minute, but I recall that some of the figures used here over the past few years were to the extent that the property tax had not risen in the early part of the 1970s to the same degree that other taxing sources had. At one point in time property tax had held rather level while other taxes had increased to a greater extent, therefore perhaps we had a kind of false imbalance. Then when it came the turn of property tax to increase at a little greater rate than some of the other taxes, there was a great outcry because property tax was increasing.

As I recall, and I apologize because I don't have the figures here, this was somewhat the



situation. In this business of trying to keep all taxes in proper proportion, it became obvious that property tax could stand to increase slightly because other taxes had carried the brunt in holding property taxes level for part of the 1970s.

As I said, we'd all like to hold all taxes level at all times, but with the increased need for services, and inflation on the amount we pay in labour and for goods and services, that becomes an impossibility for governments. Then we have superimposed on that the whole principle we're now trying to achieve of the government's taking less of the provincial product for public spending to try to balance our budget and so forth, so we have financial pressures.

The fact remains that property tax is a concern. It's another tax, like all taxes, and we try to make it less regressive through the property tax credit. Perhaps when we get into my estimates a little more we'll cover this, and I'm sure you will discuss it also in the estimates of the Treasurer and the Minister of Revenue (Mr. Maeck). Property tax credit provides the vehicle to take the regressivity out of the property tax, to make it more equitable and, in a way, to help level things out; to help take the burden of property tax off our senior citizens particularly, as well as other groups in the community who find it difficult to pay that tax; in fact that is what is done.

I was asked a question in the House the other day and my answer to it was that the property tax credit means that about 60 per cent of the senior citizens of this province pay no education tax. In other words, they receive the equivalent or more, in their tax credit return, of the amount of their education tax. That's a rather significant thing when we think about it. That's part of the direction we try to give to municipalities.

I think the point is very valid that we have to sit down together and try to decide how we're going to share our revenue. My friends have made the point that we should have some form of legislated revenue-sharing, as they have in British Columbia, Saskatchewan and Manitoba I believe. We do have legislated revenue-sharing of a sort in the Municipal Unconditional Grants Act. We have some legislation in this province which sets out, albeit different from the others, an attempt in legislation passed by this House to say that certain moneys will be given to the municipalities. In fact those legislated revenue-sharing arrangements in other provinces are another way of doing that. Perhaps it's a more modern way of saying that you can have a certain percentage of this tax and that tax.

Mr. Swart: It's more complete.

Hon. Mr. Wells: I want to tell you that I've looked into them. I will perhaps discuss them a little later when we get to the third vote and talk about transfers, because I haven't got all the figures here yet. I have looked into them and they don't create the Utopian situation they might lead you to believe. British Columbia, as I recall, even with its legislated revenue-sharing arrangements, shares much less than Ontario does with its municipalities. It's still open to some rather unilateral decisions on the part of the provincial government which can change the situation. British Columbia puts a great deal of stock in direct payments to its taxpayers. In other words, it shares so much revenue through revenue sharing, but it also pays a portion of the local government's property taxes by direct payments to people. They count that money in the municipal transfers when they make up their total amount transferred.

You and I—or at least I, I don't know about you—would see the business of direct payments to people to offset the property tax they are paying as a very good vehicle. We can take great credit for that and say, "You were assessed this much in property tax and now you're getting a cheque for \$200 from your provincial government." The municipal people who are elected don't see that as a very viable way of handling the money. They would rather have it transferred under some kind of transfer arrangements—unconditional grants being the first choice, and that not being attainable conditional grants—rather than direct payments to taxpayers.

In British Columbia they do it the other way. They get up to about 50 per cent of the costs of municipal or local government paid by the province, but at least 12 per cent of that comes from direct payments, as I recall.

Anyway, I think we can get into a larger discussion of that particular facet of local government-provincial government relationship when we get to the vote on actual transfers. What I've been trying to say here is that we think we have to have co-ordination and co-operation with local government on financial matters. I don't think we should constantly be at war with them over this. We may not always be able to agree, but we should work together to find out if there aren't ways we can co-operate and ways we can work out arrangements to share revenues.

To that end, through the Municipal Liaison Committee and the Provincial-Municipal



Liaison Committee we now have a long-term fiscal arrangements committee, as I said, that is meeting. They realize our problems; we realize their problems. We are trying to come up with some kind of arrangement that might benefit both of us for the short term.

I want to emphasize that. We started out calling this the long-term fiscal arrangements program, looking at things like legislated revenue sharing, but we decided the most practical thing was to come up with something for the short term. If we could put that into effect for the short term we would then have more time to look at the long term.

I think one of the realities we had to point out to the local government people on the committee was that this government is committed to a policy of balancing its budget a few years down the road and that would have to be built into any kind of arrangement we arrived at. That being one of the parameters within which we are working, it is perhaps better to work out some arrangement that lives within that parameter for the short term; then when we arrive at that point, the long-term fiscal arrangement for sharing between municipalities and the province will perhaps be ready to be put into place. We can look at it when we arrive at that point.

That is the kind of thinking we have gone through: A short-term arrangement for the next three or four years; and then time, first to look in greater depth at a long-term fiscal arrangement, and then the time to put it in after we have arrived at our position of balancing the provincial budget.

In keeping with this philosophy about municipal government I have been talking about, this kind of direction, we really believe—I know it's sometimes hard to put this into practice, because as soon as I say this someone comes back with something we're doing that is in a way taking away from the autonomy of the municipalities; but basically our philosophy is that the local government segment of the municipal government should be autonomous and we should provide for them as much autonomy as possible.

That cuts both ways. It has been indicated in the Municipal Conflict of Interest Act we are trying to take away that autonomy and lay down set guidelines that are much too rigid. I would point out to my friend that the Municipal Conflict of Interest Act has come about because people in this House and others in this province have said we have to have some kind of conflict of interest act for the local government segment of this province. We have a conflict of interest set

of rules for all of us here; we have a conflict of interest set for this House. They may be a little different from that of local government, but that is because our roles are perhaps a little different. There are some pretty rigid conflict of interest rules you and I have to live by. We have been asked to bring those rules into effect at the local level and that we have done.

It is interesting that we have at the present time the other situation where we have put in permissive legislation for local governments to do something and they are saying: "We don't want you just to do that; we want you to actually put in the rules." I am referring to the whole area of conducting municipal election campaigns and campaign expenditures and so forth. We have made it possible for municipalities to be opposite to the conflict of interest situation. We have made it possible for them to put in their own by-laws to govern campaign contributions, publication of campaign expenses and so forth. We have said: "We believe in the autonomy of municipalities; there is the enabling legislation, you carry it out."

On the other hand, we are getting criticism for doing that. People in the municipalities are writing us and saying: "We don't want you just to do that; we want you to actually pass a whole set of rules and regulations and legislation that will apply to every municipality."

I prefer the idea of putting in enabling legislation. Perhaps as the conflict of interest situation is looked at and reviewed over the next few months somebody is going to arrive at the point of saying perhaps municipalities should have some of that autonomy back to set their own rules, but I rather doubt it in the conflict of interest situation.

That can even be carried forward to the regional reviews. It has been suggested in both regional reviews, and amalgamations and annexations and so forth, that somehow there is great bitterness and great hardship created when we leave this to the local people to settle and that we should be able to settle it here. Well this is no Valhalla here. We can't come up with the magical answers here and the hardships will not be alleviated. If we attempt to come in and override the local people it will only be directed, probably, at you and I who sit here.

That is why I have said, for instance, we are not now prepared to engage in any provincially-appointed local government review in Durham or Haldimand-Norfolk. Let's do something different. We have had local government reviews that have gained high profile and are now sitting on the shelf, such as



Hamilton-Wentworth. I have said to them: "You come back and tell us what you want to do. We are not magical judges of what you want to do. You come back and tell us what you would like to have us do."

I agree with my friend. Sometimes they ask us to do things and we don't do them. I can't recall why we didn't put into legislation the licensing situation, but I will find out when we get further into the estimates. Basically, I would like them to come back and say to us, "This is how we would like to see our area rearranged"; and then we will do that. That is far better than us trying to decide unilaterally, without the kind of advice and input, without the kind of first-hand knowledge of those people who live in an area and who are elected from that area.

My friend the member for Welland-Thorold talked about us having the money in our budget. We do have the money in this budget, that is precisely what we are voting here today. We have the \$538 million that goes into unconditional grants to the municipalities, that is the same as any other ministry. He said: "We should have money, the same as any other ministry." We do have the money; that is exactly what these estimates are all about, they are about the unconditional grants to the municipalities.

[5:00]

We do not have the money in these estimates that goes to municipalities for roads from the Ministry of Transportation and Communications, for sewer and water projects from the Ministry of the Environment, or to the boards of health from the Ministry of Health and so forth. That is because those are specific conditional grants related to the responsibilities of those municipalities. I do not think my friend is suggesting that we should have within this ministry, even if it were a single ministry of municipal affairs, all the money for all the grants in those other ministries where the conditions of the ministry are concerned with the transfer of the money.

That, of course, brings us to the larger question that we talked about in our opening statement of conditional grants versus unconditional grants. The municipalities would like to see more unconditional grants and fewer conditional grants. I would say to my friend that, as that occurs, more money will indeed come into the Ministry of Intergovernmental Affairs and be dispensed, on whatever formula is arrived at, through the unconditional grant procedures. But at the moment we have here the roughly \$538 million in transfer payments and the rest of the money

that goes to municipalities—up to nearly \$3.8 billion—through the whole variety of mechanisms which, as he knows, are spelled out in great detail in Ontario Assistance to Local Governments. On page two those are spelled out in detail and represent, as I said in my opening remarks, a 5.4 per cent increase over last year.

We all co-ordinate the parts of the budgets of other ministries that go to municipalities, but I think my friend can see that those ministers are very concerned about their programs; they make up a big part of the operation of their ministry. There is no way that money could be in any other ministry such as this one. It must be in the ministry that is connected with the program. But we do have the money for unconditional grants here, and that is what we are talking about; in the third vote we are going to have plenty of time to discuss that.

Let me say a few words about the contribution of the member for Ottawa East (Mr. Roy). I very much appreciated his comments. He always brings to this House some very excellent comments in this kind of debate. He and I agree on a lot of things; we do not agree on everything. But his comments are excellent, and I thought he made a very fine contribution in his opening remarks today.

I would like to pick up on one thing which I particularly noted and which indicates the dilemma we face today. When he was referring to the Premier of Alberta, and Alberta's position on natural resources, he said he believed we should state that we believe in federalism, in a federal state, as the beginning. That is where I begin; that is where he begins; that is where everyone begins. That points up the dilemma we are in.

We believe in federalism; we believe in a federal state. We then believe that within that position we should develop—not just continue the status quo—the kind of federal state that will allow Quebec to maintain its cultural and linguistic heritage and to prosper within this federal state in the future. The status quo will not do; I agree with that. Most people agree with that today. Only those with blinkers on would not agree with that.

However, that is where we have differing opinions between two provincial Premiers. The Premier of Quebec, Rene Levesque, does not accept that. He says: "No, within a federal state we cannot have the kind of future we want for Quebec. We must have"—as he calls it now—"sovereignty-association." Which I think is basically sovereignty



with a little sugar coating to try to convince the rest of us that we should all go along with it because it will not be all that bad. Plus he wants to be sure he has all the good things that are going now as part of a federal state without being part of it and without having the responsibilities.

The difference is that although we have differences of opinion with Premier Lougheed about natural resources, he starts from the premise of believing in a federal state. He believes we should stay part of a federal state and he believes we should have a united Canada. From there, he then fights very hard for the position that he feels is what he should have within a federal state for natural resources.

We all don't agree completely with what he has in mind. We don't agree with some of his premises. But the fact is that he does believe in a federal state and he is not saying, "We want to make Alberta a sovereign state and keep everything to ourselves."

Interjection.

**Mr. Roy:** That's the difference.

**Hon. Mr. Wells:** Wait a minute, though. Now, what I am showing you—this is the dilemma—is that as soon as you take that position and translate it into Quebec, and if you get a person in Quebec who says, "Yes, I am for a federal state"—now the present Premier won't do that but if you get a person in there, a federalist who says, "Yes, I am for a federal state"—and then you get down to the nitty-gritty business of deciding on a new constitution and some other things, believe me you are going to have some of them saying the same thing about some of the powers they want as Premier Lougheed is saying about natural resources. They are going to say, "We want communications to be a completely provincial responsibility. We don't believe in a CBC or a national communications policy. It should be completely provincial." You may not agree with that and people out west may not agree with it and a lot of the rest of us won't.

That is why the job of negotiating a new constitution is very difficult, because within the kind of federal state we are all going to be looking at, some of the kinds of demands of provinces within a federal state are going to be very difficult. The Alberta situation, I think, has brought that right to a head for us in the last year. That as I say is the dilemma we face. That is why it is not going to be an easy job.

For instance, a negative vote in the referendum, a defeat of the Parti Quebecois in Quebec, is not—and I emphasize this—going

to get us back to the status quo. It is going to bring us to negotiating that new constitution for a revitalized federal state in Canada. It is going to be a tough job and there is going to be an awful lot of hard bargaining that will have to go on and an awful lot of considering of positions. I think the situation that is always brought up about the west shows that very clearly, because I am firmly convinced the kind of things the west wants are new deals under a federal state, certainly not separation, as Rene Levesque wants, and we see how hard the negotiations are when we come to facing those particular situations.

As I said in my opening remarks, I hope we will get down to business right away. The new Prime Minister of Canada has been sworn in, the new Minister for Federal-Provincial Relations has been appointed—

**Mr. Roy:** Who is that?

**Hon. Mr. Wells:** Bill Jarvis, the member for Perth, from southwestern Ontario, from—

**Hon. Miss Stephenson:** From Stratford.

**Hon. Mr. Wells:** Stratford, yes. So he will be now handling that, along with my friend Senator Flynn, who is the Minister of Justice and Attorney General for Canada. They will be the two federal ministers, I hope, who will carry on and make up the steering committee of the continuing committee of ministers that will be working on the constitution.

**Mr. Roy:** It takes some getting used to, calling a senator a minister.

**Hon. Mr. Wells:** You will get used to it, Albert. You will get used to it.

**Hon. Miss Stephenson:** Oh, Albert will never get used to it.

**Mr. Havrot:** He'll live with it. He'll thrive on it.

**Hon. Mr. Wells:** There are many other things I could comment on, Mr. Chairman, but I think we will get plenty of opportunity as we go through the various votes, to deal with those. I will limit myself to what I have just said.

**Mr. Deputy Chairman:** Thank you, Mr. Minister. Now, if we can keep our discussion to item 1 of vote 601.

On vote 601, ministry administration program; item 1, main office:

**Mr. Swart:** There are three points here I would like the minister to deal with. I have mentioned at least two of them previously, and I would like to hear the minister's comments on them.

The first is some further discussion on the retention of the municipal finance branch and the grants policy branch in the Ministry of



Treasury and Economics. Either he misunderstood me or I did not explain myself properly with regard to the budget which he has. My real concern is that the municipal finance branch, it seems to me, should be within his ministry.

**Mr. Deputy Chairman:** I wonder if I may interrupt and ask if that is not under local government and grants to governments.

**Mr. Swart:** Subject to your ruling, I really believe this is under ministry administration. It is really the administration, I think, rather than the details of the program.

**Mr. Deputy Chairman:** All right. I am not going to argue because as far as main office is concerned, one can work just about anything under that heading. I am admitting that, but at the same time the hope was we could perhaps discuss more of these items under their proper vote. But you may proceed.

**Mr. Swart:** I humbly submit this is a principle under the administration of the main office. It simply seems to me there would be much closer liaison with the municipal finance branch if it was directly under the ministry. Granted, the unconditional grants, which don't lend themselves to much administration in any event, now come under his ministry. The whole detail of the transfer system to municipalities, it seems to me, should be within his ministry. Any changes that are made, not just in the amount of the unconditional grants but the whole principle of whether grants are unconditional or whether they are on the basis of a percentage, the whole detail of municipal grants, it seems to me, gets prime direction from his ministry.

I think it can be done better if that municipal finance and grants branch does come under his ministry rather than under the Ministry of Treasury and Economics. If those senior officials are accountable to the minister over them, and they certainly are, then I would prefer to have them accountable to a minister of municipal affairs, if I may use that term in this context rather than to any other minister in the government. I would like the minister to comment further on that.

Secondly, I would like him to comment a bit further on the matter of the transfer of funds from the federal to the provincial ministry. This comes to some degree under the Treasurer, nevertheless this minister is the Minister of Intergovernmental Affairs. Again it seems to me that the grants which were allotted from the federal government this year for the purposes of OHIP, medicare and post-secondary education were substantially

greater than the increase in the estimates of those ministries for those purposes.

Although these may now be to some extent unconditional grants that this government is getting from the federal government, nevertheless these grants were in lieu of those grants which were conditional grants. Was this money used in other areas? Is it not true that the provincial government is putting in less of its own money this year into OHIP and medicare than it did the previous year, and is the same not true of post-secondary education?

**Hon. Miss Stephenson:** No.

**Mr. Swart:** The third item I would like the minister to comment on—and once again, Mr. Chairman, it seems to me this does come under his administration—is whether the community planning department of the Ministry of Housing could not function better in his ministry than it functions presently in the Ministry of Housing.

[5:15]

I realize he is not going to criticize the Ministry of Housing. It is not my intent either to criticize the Ministry of Housing. It just seems to me it is more logical to come under this minister. For instance, this minister has introduced a bill to restructure government to some extent in the Parry Sound district.

This will be dealt with—I am not sure—perhaps even later this week. It seems to me one of the major considerations in any restructuring should be consideration of planning principles, yet if that comes under another ministry it's much more difficult to have the full and co-ordinated input into those decisions you have to make than if it came directly under your ministry.

In my introductory comments I did put forth some reasons on why I think planning generally is more appropriately under your ministry than it is under the Ministry of Housing. I don't intend to repeat them at this time—I think the minister will probably remember the arguments I put up. But I think it's such an integral part of municipal operation that it should be your responsibility rather than the responsibility of the Ministry of Housing.

I feel the same about the Niagara Escarpment Commission because that is really planning too. The amount of co-ordination necessary between the escarpment commission and municipal planning is considerable. It seems to me there should be a transfer ultimately of responsibility from the escarpment commission. That plan should become part of the municipal plan, because municipal planning, as I have already stated, is a very important



part of municipal operations. It seems to me the whole thing should be under the Ministry of Intergovernmental Affairs rather than being left in the Ministry of Housing, where certainly the ministry is one, two, three or four steps further removed from local government.

I would like to have the comments of the minister on these three items.

**Hon. Mr. Wells:** Mr. Chairman, first of all I will comment on the remarks my friend has made about the municipal finance branches that were left in Treasury.

As I indicated in my opening remarks, there naturally was some discussion last summer, when the ministry was broken off from Treasury, Economics and Intergovernmental Affairs, as to what branches should and should not become part of this new ministry. It was quite obvious some should come to this ministry and others should stay in Treasury.

The two financial branches we're talking about—and I believe we talked about those in the bill to establish this ministry last fall—have functions that involve this ministry and municipal finance and backup information on municipal finance. They also are tied into the general fiscal planning and economic planning of the Ministry of Economics and the Treasurer's operation.

They are part of a ministry that had been developed and built up over the last five years or so as an integrated ministry and they were integrated branches. They weren't branches that could automatically be taken off in total; they would have had to have been split up to some degree.

The decision was made at the time that we could leave them in Treasury and through liaison with them—particularly through Mr. Clasky's operation and Eric Fleming's local government operation—use the resources and expertise of those branches to do the kind of financial work we needed. They would be there to do the financial planning that Treasury needed as part of their overall planning—that is the municipal financial planning that has to be a big part of Treasury's total economic fiscal planning. This is all part of this business I was talking about of the property tax being part of, for instance, general taxation. There has to be integration of effects and future happenings in the property tax field, in the total looks at all the financial tax planning of the province.

So, we decided we could leave those branches there intact and use the expertise there for our purposes. As I indicated in my opening remarks, it is working not too badly. We agreed that we would review it, probably after a year or a year and a half

of operation, and if we can work out a better system, we will work it out.

The important thing from the member's point of view, and from the point of view of the municipalities, is first of all that that group does not set the ground rules for the grants. There is a misunderstanding there. We get the financial information—statistics, backup, projections, et cetera—from the financial groups in the Ministry of Treasury and Economics. They collect information from around the province and from municipalities, but we make the decisions and the recommendations to cabinet on the unconditional grant parameters and programs.

I suppose I could quote back to the member his words of Rothschild. The House is voting the money to us here; we make up the ground rules and the parameters as to how that money will be distributed to the municipalities, living within the Ontario Unconditional Grants Act and other parameters of this government.

But, just as in any other ministry in this government, we do not have the sole say. It all has to go back through the process—to cabinet, through Policy and Priorities Board, budget planning sessions and so forth. But we make the presentations on that money, the \$538 million that is in our budget. We make the decisions as to how we will recommend that that be put into the unconditional grants to the municipalities.

It is not a case of us not having the authority to do that in our ministry. We do. The only thing we do not have is a group of people who collect the information and provide us with all the background—the parameters, the projections, the computer runs and so forth.

This is, I suppose, to some degree a test of whether governments can do what they say everyone else should do; that is, co-operate and co-ordinate and not duplicate services. In other words, here we have two ministries. We are in the same government; we are all working together. Just because we happen to be split off under two ministers and deputy ministers, does that mean we have to duplicate all the services? Can we not use those services there?

We are going to go ahead and see if we cannot do that over the next little while. If the municipalities of this province find that the process is not working, we want to hear from them; and I am sure the municipal liaison committee will tell us. Internally, we want to be sure that our staff is able to get the information they want and to serve the municipalities. We will assess that ourselves, believe me and, if it is not working, we will



come up with recommendations to make some changes.

The second area of concern raised by my friend was the federal transfer payments. I would love to discuss that with the member in great detail for the next 15 hours or so, but I feel that is the prerogative of the Treasurer (Mr. F. S. Miller). He is the one who does the negotiating in that particular area. We, as the Ministry of Intergovernmental Affairs, are present for the technical parts of intergovernmental liaison. But in this particular and very important area, where we have a Ministry of Treasury and Economics, and a whole staff that is geared to the federal-provincial financial planning section, it does the negotiations. I do not feel it would be fitting in this ministry to discuss that item, which is one of the primary items for the Treasurer to discuss in his estimates.

**Mr. Bradley:** That one is going to be a dry well now, anyway.

**Hon. Mr. Wells:** I would not count on that.

**Mr. Bradley:** And they're your friends.

**Hon. Mr. Wells:** Does my friend mean he is not counting on that opening up now? We will have to see.

The third area of concern raised by the member was in regard to the community planning branch, which is now in the Ministry of Housing. It was at one time in the Ministry of Treasury, Economics and Intergovernmental Affairs. The first Comay report, if I recall correctly, suggested that it probably should not be there and that it should be more closely connected with the Ministry of Housing, or the Ministry of Housing should be more closely connected with planning, the net impact of all that to be to make it easier for housing to be built in this province and to be co-ordinated with the total planning process.

In the reorganizations and in the development of Treasury and Economics and Intergovernmental Affairs as a ministry, after their beginning, they started to streamline and look at functions within their ministry, vis-à-vis the other ministries, they transferred community planning out to Housing.

Whether it should come into this ministry or not, I really haven't thought about at this point in time. I think that is something you should put to the Premier (Mr. Davis), or to my colleague, the Minister of Housing, or others who are looking at the whole matter of where particular functions belong.

As you know, under the new Planning Act a big thrust of the presentation in the white paper is to have more planning decisions made locally. This is something I think is

a good thing and which, perhaps, will change the character of the community planning branch in the Ministry of Housing. Then there will be some rethinking of it, but I really hadn't thought about the particular idea and so I don't feel I can comment on it one way or another at this point. I certainly can't say I agree with it, but I am not saying I disagree with it either. It may be that at some point in time down the road, it will be a logical thing to happen.

**Mr. G. I. Miller:** There is one thing I am concerned about in item 1 of vote 601. It is the increase in cost of administration from \$635,000 to \$909,000 in the estimated budget for 1979-80. The minister has pointed out we are committed to a balanced budget, yet our projections to the municipalities are 4.5 per cent. When you look at the increase for administration, it's something like 40 per cent. If there is an explanation for it, I would like to hear it at this point in time.

**Hon. Mr. Wells:** I'm sure my friend has the book we supplied. The problem may be there aren't enough copies of it for all the members of the opposition, but certainly your critics have the book.

On page 11, we outline the detail of the increases and decreases in the main office vote which, indeed, is 41.8 per cent over the \$658,000 voted in last year's estimates. It's now \$933,000. I'll just go quickly over the differences.

Salary awards, of course, amount to \$19,000. The next item is the transfer of the minister's office staff from the Ministry of Education. This is really a technical matter but it does change the percentage here.

The new ministry was created out of TEIGA. In other words, one ministry was split off for two. As you know, the estimates of TEIGA were before the House last year and in preparing for two sets of estimates, one already being tabled in the House, all that was done was for those estimates to be cut in half. That meant in the main office vote, because the minister stayed in the Ministry of Treasury and Economics, most of the main office, minister's office, vote was left in the Ministry of Treasury and Economics. There was hardly anything in the vote for the minister's office in this new ministry.

That is corrected this year. It's corrected by one of the minister's office votes from the Ministry of Education and the Ministry of Colleges and Universities, that ministry being compacted into one and, therefore, only needing one minister-deputy minister's operation. That money is now coming over into our ministry to account and give us money for a minister's operation here. That's \$153,000



which, if the estimates hadn't already been tabled last year, would have shown in last year's estimates also.

[5:30]

What I'm saying is that to some degree we are seeing a large increase percentage-wise, but a false one, because in last year's estimates there was no extensive amount of money for the operation of the minister's office, and it should have been there.

There then was a \$40,000 minus item, again resulting from the transfer of staff from Treasury and Economics to the Ministry of Intergovernmental Affairs. There was a \$40,000 reduction. Then there were some small items. The \$80,000 increase is due to the numerous federal-provincial and interprovincial conferences which were held last year. I guess we set some kind of record. Since this ministry was created in August 1978 there have been three federal-provincial conferences and three conferences of ministers on the constitution, which is a very heavy load and probably as many as we had in the three or four years before that.

There was an additional item of \$45,000 connected with the services of the co-ordinator of French-language services, \$11,000 for additional supplies and then several other minor items, all of them adding up to \$275,000, which accounts for the 41 per cent increase in that particular vote.

**Mr. Roy:** Just to follow what my friend has said—I thought it was an excellent question—I take it that on the Ministry of Education side we should see a decrease of some \$153,000. We'll look closely at those estimates to see whether it corresponds. If there is an increase from what you said on the one hand, we should see a decrease on the other.

**Hon. Mr. Wells:** You won't have any Minister of Colleges and Universities to talk with.

**Mr. Roy:** Yes, but we should see a decrease of money some place.

**Hon. Mr. Wells:** That's right. You will.

**Mr. Roy:** Considering that the co-ordinator of French-language services is in the main office, as I understand it, it's not something I will be able to discuss under vote 602. I would like to ask the minister a question on this, although I don't know if it's fair in the absence of Mr. Stevenson, the deputy minister. In any event, one thing that has puzzled me is that in the co-ordination of French-language services last year, as I mentioned in my opening statement, we passed an amendment to the Judicature Act. Once something like this passes and the Legislature grants authority, I take it that the co-ordinator must

be involved in the implementation of this legislation.

I'm starting to get troubled about this. I guess one of these days I'll have to start talking more enthusiastically to your colleague the Attorney General.

Can the co-ordinator of French-language services advise us as to what is the delay in the implementation of the provisions of the Judicature Act? We realize that it has to be phased in and that you just couldn't do this thing overnight. We in the opposition were quite reasonable about it. We understood this.

In an area like Ottawa-Carleton, the personnel exists to provide French-language courts. As you know, we have French-language service at the provincial level for summary conviction offences and we have it at the family courts to a limited extent as well. I understand we have it now in the small claims court. What is the delay in providing it for the whole realm of services in the courts in the criminal field, for instance? We have the judges and we have the personnel. What has been the delay there? What has been the delay in the county court, especially in Ottawa where we have three or four judges who are bilingual? What has been the hold-up?

One of the provisions we have in the Judicature Act is that the pleadings would be in English, so actually it is the hearing that would be bilingual. We have the staff there. What has been the delay? I would like to know from the minister, through his co-ordinator of French-language services, what has been the holdup; why we are not proceeding faster?

I am becoming awfully suspicious there is not much reason for the delay. I understand it takes forms and it takes certain other things, but to me the delay is not justified here and I would like to get some explanation.

**Hon. Mr. Wells:** I am sorry, I am going to have to tell my friend I shall have to find that out because I don't know. My deputy minister might have had the answer. That act hasn't been proclaimed yet, is that right? Has it been proclaimed?

**Mr. Roy:** I hope it has. It happened about a year ago.

**Hon. Mr. Wells:** I will get the answer for that. I am sure the co-ordinator would have had the answer, or at least given me some indication about it if he had been here—although I suspect he would have had to go back and try and find out too—because he keeps very close tabs on what is going on. We believe that is moving ahead. I don't



think there is any problem in it. There may be some technical problems, but I will find out for you.

I am sorry the deputy minister is not here, incidentally. He had to go to a French-language seminar in Kapuskasing tonight, as part of the program he has been conducting as the co-ordinator of French-language services, along with the other people in the civil service. They have had eight seminars across the province where all the regional people in all our different ministries who are providing services in French have been coming together. They have been excellent meetings and it has helped immensely for all those people to know who is working in that area in other ministries. One is being held in Kapuskasing tonight and he is off to that.

**Mr. Roy:** Mr. Chairman, I can understand that the information is not readily available, but I trust you will take this further through the co-ordinator or through yourself to your colleague the Attorney General (Mr. McMurtry)—I have not had occasion to speak to him about it. I have been patient and, God knows, if Franco-Ontarians have one thing, it's patience. You know that.

I would convey to the Attorney General that I really think it is getting to the point where the delay is unjustified. I would hate to think the legislation we passed last year has yet to be proclaimed. That concerns me.

**Hon. Mr. Wells:** It may be that I was wrong.

**Mr. Roy:** Yes. I would hope that someone comes back with something to justify the delay of a year, because I really don't see it. Take an area like Prescott-Russell, for example, where 80 to 85 per cent of the people are French-speaking—your judges, everyone down there is bilingual. What has been the delay in having indictable offence trials in the criminal court before Judge Cecile? Judge Cecile speaks French. You know him as one of your colleagues.

The county court judge is Judge Cusson, who is French-speaking as well. What is the problem, especially when we drafted the legislation specifically to have it brought in in stages in various areas of the province?

I trust you will convey to your colleague, the Attorney General (Mr. McMurtry), our concern because we are obviously going to have to start getting more high profile about this.

**Hon. Mr. Wells:** I will be happy to get you that information. When we continue with the estimates on Friday I will have that for you. I can tell you the Attorney

General is concerned about this. Knowing him and knowing his concern and his real feeling for this piece of legislation, the only thing that would hold it up as far as he is concerned is some technical detail. He certainly wouldn't be stalling on it. I can guarantee you that.

**Mr. Roy:** I hope not.

**Hon. Mr. Wells:** No, I can guarantee you that. I will find out for you.

**Mr. Isaacs:** Mr. Chairman, I have two questions on the main office vote; one of them relates to comments which have already been made concerning the planning process.

As the minister has said, the white paper on planning that was introduced by his colleague recently suggests that more of the responsibility be passed to municipalities. On the assumption that that white paper is going to turn into legislation some time within the next few months and on the assumption of that basic precept that municipal government should exercise more responsibility in the planning area, I wonder what the minister sees as being his role and his ministry's role in planning, given that planning is much more than housing. It's also commercial and industrial development. It's also parks. It's also waterfront development. It's also lifestyle and social services and all of these things.

I wonder whether the Ministry of Intergovernmental Affairs is going to be playing a role in that—and if so, what kind of role—and whether we can expect that municipal government will be given complete autonomy. That's a nice buzz-word these days, but I find it strange if the minister and the government are really suggesting that they are going to allow municipalities to do what they want, given that there are provincial guidelines in certain areas; given that municipalities already bicker among themselves for assessment dollars. Are we really going to see that kind of all-out petty war for development that goes on? Or is this ministry going to play a part in providing guidance in terms of the things that individual municipalities and particular areas of the province should be setting as development priorities and in terms of putting development restrictions on certain other areas that this government and more especially I hope, this House sees as being appropriate for the overall good of Ontario.

My second point relates to the whole matter of interaction with local government. I applaud the minister's comments with regard to asking the municipalities to make



proposals as to how to solve the problems. The difficulty with that approach—and again it comes up with autonomy as the buzzword—is who are the “they” we are asking to solve the problems? Are they the incumbents in municipal government as it is structured at present? Are they the majority of people in a particular area, and if so what area? In other words, who is it that the minister listens to when he says he asks the people in the municipalities for advice and for comments about the problems that are facing them?

In that regard I would draw to the minister's attention the bill he introduced very recently into this House with regard to a quorum problem in the regional municipality of Haldimand-Norfolk, which request for change was not initiated by the council for the regional municipality of Haldimand-Norfolk, was not initiated by a majority of the councils, but was initiated by the chairman of that regional municipality and a few of the people with whom he associates.

Is this what the minister means by asking the municipalities to come forward with proposals—that he listens to certain people and not to other people? Or are we to see a situation where change can only be made by incumbent councils? I suggest to the minister that is fraught with problems too and what we need is an approach that takes into account the aspirations of the people who live in the municipalities we have now and in certain areas that perhaps should be municipalities.

**Hon. Mr. Wells:** I'd like to comment on the last point first. We could get into a very interesting philosophical discussion on the points the honourable member has raised, “Who do you listen to?”

Do I listen to him and the member for Scarborough-Ellesmere when I want to know what's happening in those ridings? Or do I go out and listen to the president of the local Tory organization? Or do I go out and listen to the—

**Mr. Warner:** I shouldn't do that. You can listen to me; you can listen to the people.  
[5:45]

**Hon. Mr. Wells:** I won't answer that. Do I go out and listen to various ratepayers groups? I think it's very difficult, as I say, to be able to draw some hard and fast guidelines, but I think that basically, operating particularly in this ministry interfacing with local government, we have to listen to the people who have been elected at the local level—in other words, the mayors and the reeves and the councillors. We have to be-

lieve if they put forward positions that are wrong they are going to have to account for them to the people who elected them, and those of us down here will have to account for the decision. I guess that is how our democratic system of government works.

We all, of course, solicit opinions from other people in the area. If I get an opinion here from a local council it is no secret. I very often will talk to the member of this Legislature who comes from that area—that doesn't just mean if he is a member of my party, but your party or the official opposition—and we will have a word about what is happening. The member may be the first person to talk to me about a particular situation and may alert me the municipality is going to be writing or asking for something. Basically I would say we listen to the people who have been elected in that area.

You have raised a very interesting example of this situation and I must say that was exactly what went through my mind when I thought about legislation for the Haldimand-Norfolk situation. Was I, in fact, being asked to do what one person wanted, or was I doing what the majority of the council wanted? You have indicated today I wasn't doing what the majority of the council wanted; I believe I was.

I don't know whether you have seen the letter—did I send you a copy of the letter with the resolution? I believe Mr. Richardson, the chairman of Haldimand-Norfolk, wrote me and said at an informal caucus attended by, as I recall it, at least 14 or 16 people, the majority had asked and instructed him to write and ask for legislation in this regard. Quite obviously they were in a situation where they could not hold a formal, regularly-constituted meeting of the Haldimand-Norfolk council because they could not legally get the quorum. That was a problem they were facing, but it was my belief in that case that a majority of the council had asked for it. Therefore, I felt it was a situation on which we should introduce a bill into this Legislature.

Did I send you a copy of the letter with the bill when we brought it in?

**Mr. Isaacs:** No.

**Hon. Mr. Wells:** I will be glad to supply you with a copy of the letter from the chairman, which was the letter I acted upon. I am going from memory, but I believe that letter indicated an informal caucus would be meeting, and I certainly took from the letter and from any conversations I had there were more than two or three people at that informal caucus.



To answer your question, first and foremost we listen to the people who are elected and believe they are the ones who have the antennae out to sense the wishes of the people in their area. That goes all the way through talking to people about specific local legislation or problems right up to the Municipal Liaison Committee where the local people are elected to their provincial associations, provincial associations are represented on the Municipal Liaison Committee, and the Municipal Liaison Committee discusses legislation with us.

In this last round of legislation we have adopted a new policy where practically all the municipal legislation is looked at in detail by the Municipal Liaison Committee. They get a chance to look it over, to comment on it, to have their solicitors look at it, to raise problems with us, to tell us where there may be things we didn't see, and there are things they disagree with. We may still put the legislation in, but at least they know where we stand and we know where they stand on particular sections.

The next question you asked was about our role in planning. Answered very simply, our ministry does have a role in planning, yes. In so far as overall planning policies are decided here, because we represent that ministry which is interfacing with local government and which has responsibility for about 55 acts that impinge upon local government, we, along with all the other ministries concerned, sit down together and talk about those things that have to do with local planning. As I said earlier, if the white paper is adopted and if the proposals suggested in the white paper, are implemented, planning is going to become more of a local process.

I know what the member is getting at. We don't want to get back to the days of out-and-out competition between each area, which really is no planning at all. My friend from Scarborough-Ellesmere knows what that is all about and I know what it is all about, because we have to live with it on Eglinton Avenue, on Lawrence Avenue and all through the borough of Scarborough. I am not sure anything we could ever do down here could ever seem to stop that.

**Mr. Warner:** That's right.

**Hon. Mr. Wells:** No matter where we go we find that same kind of planning. I suppose the more disastrous thing is where there is such out-and-out competition for certain kinds of development that we find municipalities doing things they probably shouldn't do and getting into financial problems they shouldn't. We have to guard against that. It is a very

fine line about local autonomy and where one starts to guard against that.

We had here overall provincial planning policies, growth centres, et cetera that were all mapped out. One would go out and talk to municipalities and their associations and they would say, "Are you telling us that all the growth should go here and we are never really to look for any growth or any development?" That kind of thing really depresses and stagnates a community.

I don't think one can leave any community with that feeling in this province today. One has to give them some hope that in some way they are going to be able to keep moving ahead. I like to tell them they all should be looking for the kind of thing that will be indigenous to what is in the cards for them, but that is not always easy to do either.

I think the role the province still has to play is to set some general planning parameters, but to allow more at the local level without imposing a very rigid straitjacket from the province. That doesn't give the member a complete answer because, until the discussion on the white paper is finished and we get all that back in, I don't think we will be able to set the whole parameters as to how we are going to operate in the future. We as the Ministry of Intergovernmental Affairs will be involved as part of the planning process and in committees of other ministries here.

**Mr. Isaacs:** Mr. Chairman, I appreciate the minister's comments about involvement in the planning area. I have just one quick response to his comments about listening to the majority votes of local councils or regional councils or county councils or whatever the group might be that is making a presentation.

One major problem that concerns me is that through that mechanism the legitimate concerns of minorities within those municipalities can very easily be forgotten. Let's take as an example a regional municipality—and it doesn't matter which one it is—in which one or two of the lower-tier municipalities share a concern that is of no concern to the majority of the municipalities. The electorate in the one or two municipalities that are affected has no direct or indirect way of influencing the regional councillors they do elect. It may or may not be the situation in Haldimand-Norfolk. It is my sense that it is the situation in Hamilton-Wentworth at the present time. There is a little bit of that in Metropolitan Toronto at the moment. There are suggestions of it in Ottawa-Carleton.

This problem of one municipality wanting to do something, or even more likely not



wanting to do something, that the other municipalities want to do is obscured when one listens to the majority votes of a regional council. I am really concerned as to how the minister makes a decision and comes to a conclusion on some of these fundamental problems facing regions and facing areas that may at some time become regions, when it is a small part of the total geographic area that is expressing a concern.

Does one override the wishes of the minority in order to satisfy the majority? Does one allow annexations by cities because the majorities always live in the cities and only a very few people live in the suburban or rural areas surrounding those cities? Or does one somehow weigh the votes over the people or councillors from an area in order to give the minority some strong voice in the overall direction of their community?

**Hon. Mr. Wells:** As my friend was speaking, I was just thinking to some degree that's probably the reason we don't enact some of the requests officially sent in by regions for amendments to their legislation. When we look at the various material that comes in to us, we realize to do what you said, protect one or two of the municipalities in the minority, that kind of request wouldn't be appropriate.

I would be very interested in getting the background from that licensing situation you alluded to in Hamilton-Wentworth. I can't remember the details of it, but perhaps that's the kind of thing that is present there. Either the minority wants something the majority doesn't want, or the majority wants something the minority doesn't want.

I am sure that's one of the reasons we don't always immediately enact into legislation all the requests a region sends in to us and asks for.

**Mr. G. I. Miller:** To follow up on the minister's statement regarding Bill 95, which was introduced a few weeks ago—I don't know whether the date is on the bill or not, but I can't see it—it does affect the region of Haldimand-Norfolk, particularly my riding. There was serious concern at that time, but now the councils have returned to work and seem to be proceeding with their regular business, I wonder if the minister is going to continue bringing this bill forward?

It is my understanding the council would like to make some further changes and recommendations. As has been pointed out by my colleague from Wentworth, it wasn't brought forth by the council as a whole but was done by a recommendation of a majority.

In this connection, I agree with the minister's comments. I wonder if he would reconsider and let the council deal with it and make the recommendations they feel would be most satisfactory for that particular area?

**Hon. Mr. Wells:** I would be most happy to do that, if my friend, as the local member, will find out the changes they would like, or get the council to let me know. I think there is perhaps need to bring forward some kind of bill, but certainly if there are some changes they would like, I would like to hear from them about those changes.

I think I had a further letter from the chairman saying the problem which caused us to consider bringing forward the bill had now been alleviated and overcome, but they still felt there was merit in bringing the bill forward.

I would like to have council write us officially and tell us some of the changes they would like so we can proceed. I would like to hear what the member for the area would like to recommend on that bill.

**Mr. G. I. Miller:** I will certainly try to get that information for you. Thank you for the opportunity.

**Mr. Cunningham:** The minister would be aware, I am sure, that at least the regional aspect of municipal taxes in Hamilton-Wentworth will be increasing by roughly 28 per cent. That, of course, will be added to the education aspect and whatever levy will come from the local municipalities.

I think that increase in itself, will spark some renewed interest on the part of people within the Hamilton-Wentworth region to see some re-evaluation at the very minimum of that current structural setup. As the new member for Wentworth expressed, there are some concerns, especially in the smaller municipalities, with the continuing inequities that exist within that system. Some areas are being subjected to things they don't particularly want. Glanbrook dump, in a microcosmic sense, is the best example of the structural difficulties that exist in that area.

There are many more examples I can offer to you, Mr. Minister. There are the difficulties we are having in the township of Flamboro, where I reside, in seeing we get water up to Clappisons Corners at the junction of highways 5 and 6, which would be a natural area for some industrial expansion. We dearly need some industrial assessment in that township. The imbalance is unhealthy, to say the least.

I would like to ask the minister what kind of consideration he has been giving to see that some restructuring is done with a view



to returning powers to local municipalities. I think this problem, created by your government, cannot be allowed to fester much more.

**Hon. Mr. Wells:** In regard to what my friend is saying—he is talking about restructuring in the Hamilton-Wentworth area—we had a very extensive study in that area. He has seen the results of the study.

**Mr. Cunningham:** Not particularly good.

**Hon. Mr. Wells:** I agree, it probably hasn't been—I don't know, I'm not going to say whether it's been particularly good or whether it hasn't been particularly good, but it hasn't prompted us to come forward with any restructuring and I'm not thinking of any restructuring in the area.

The problem of financing, I would suggest, is another one. I would hope maybe the local government could take a look at that. We always feel that somehow restructuring is a cause for increased cost, but I just want to read you something. It says here, "Contrary to the opinions held by many residents of the region of Waterloo, the cost of local government has not increased substantially faster than it would have under the former system. Second, it is no more expensive in

comparison with similar areas inside or outside regional governments. Third, after four years of regional government the average per household property tax is lower in real dollars than it was four years prior to regional government."

That's in the Palmer report. I'm not as familiar with some of the other reports but I know in the Palmer report they developed, at a great deal of expense, systems and criteria for measuring the costs so they could come up with some statements like that. That material is all there. We have access to it in our ministry. If the people in Hamilton-Wentworth would like to take some of that material and use it to see if the costs would have been greater if they had not been part of the restructured municipality, I think it would be a very good exercise. We would be happy to co-operate with them to make that material available. They would have to take the initiative if they want to do it.

Item 1 agreed to.

Item 2 agreed to.

Vote 601 agreed to.

On motion by Hon. Mr. Welch, the committee of supply reported certain resolutions.

The House recessed at 6:03 p.m.

## ERRATA

No.	Page	Column	Line	Should read
49	2018	1	38	92, An Act to amend the Railways Act.
49	2018	2	4	of Bill 93, An Act to provide for the Holding
49	2018	2	9	of Bill 94, An Act respecting the Anglican
49	2018	2	46	Bill 95, An Act to amend the Regional Muni-
49	2019	1	5	Bennett, moved first reading of Bill 96, An
49	2019	1	21	Mr. Martel moved first reading of Bill 97,
58	2388	2	50	116, An Act to amend the District Municipality



## APPENDIX

(See page 2508)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## CUSTODY OF PAQUETTE CHILDREN

**194. Mr. McClellan:** Why were the four surviving Paquette children removed from foster homes in September 1978 and placed in the Ottawa Children's Aid Society assessment home? Why have they been kept there from that time until the present? [Tabled May 23, 1979.]

**Hon. Mr. Norton:** I am advised by the Ottawa-Carleton Children's Aid Society that the Paquette children had an adjustment problem in the foster homes. The children required psychological assessment and the society was attempting to limit their number of placements and replacements.

The four children are together and have adjusted well in the assessment home.

WORK INCENTIVES FOR  
FBA RECIPIENTS

**195. Mr. McClellan:** What are the details of the proposals to provide employment incentives to recipients of family benefits allowances which the ministry submitted to the federal government for cost-sharing under the Canada Assistance Plan? [Tabled May 23, 1979.]

**Hon. Mr. Norton:** In response to the above question, I would advise that we approached the federal government in March of this year with a three-point proposal for cost-sharing under the Canada Assistance Plan of employment incentives for recipients of family benefits allowances.

The first proposal addressed the problems experienced by many recipients of long-term social assistance (that is, single mothers and the disabled), who would like to enter the full-time labour force but who are unable to do so because the only employment available to them is at extremely low wages. That is, there is a financial disincentive for some FBA mothers and disabled GAINS(D) recipients to undertake full time work.

Consequently, we approached the federal government to ascertain whether they were

prepared to cost-share a "rehabilitation program" which would assist such recipients return to full-time work. The Ontario proposal had two basic components: income-tested financial assistance for FBA/GAINS(D) recipients who undertake full-time employment; and continuation of the regular social assistance fringe benefits during the transitional period.

An additional feature of our proposal would not have been affected by cost sharing considerations. That is, should the former recipient find that for some legitimate reason, continued full employment was impossible, expedited re-entry to the FBA/GAINS(D) program would be guaranteed.

The second proposal would have provided increased incentives for GAINS(D) recipients to undertake part-time employment. Features of this proposal included more generous earnings exemptions for single recipients, and a conditional exemption to take into account the work expenses of certain recipients who incur higher costs in this regard.

The final proposal suggested that the federal government should reconsider all employment related criteria under the Canada Assistance Plan. These criteria were established in May 1974 and are long overdue for a revision which would take into account changes in prices, the labour market, and society at large which have occurred in the interim.

The federal response to our specific work incentive proposals was negative. It was argued that under the terms of the Canada Assistance Plan, a program which was neither needs-tested nor tied directly to existing social assistance benefit levels could not be eligible for cost-sharing. On the other hand, the federal government did agree to review the general employment-related criteria under the Canada Assistance Plan. No action, however, has been taken in this regard to date.

We are now working on an improved version of the rehabilitation proposal (which also will be ineligible for federal cost-sharing). However, we believe that this is an important issue and I would hope to be able to discuss the details of our latest proposal more fully in the near future.



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Wildman, B. (Algoma NDP)



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No. 62

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# **Legislature of Ontario Debates**

## **Official Report (Hansard)**

**Third Session, 31st Parliament**

Monday, June 4, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

MONDAY, JUNE 4, 1979

The House resumed at 8 p.m.

## REPORTS

### STANDING PUBLIC ACCOUNTS COMMITTEE

(concluded)

Resumption of the adjourned debate on the motion for adoption of the interim report of the standing public accounts committee, dated March 31, 1979, respecting the Royal Ontario Museum.

**Mr. Hall:** Mr. Speaker, to make some of the members who weren't here last Thursday aware of the circumstances, the standing public accounts committee at its meeting on Thursday morning passed a motion, moved by the member for London Centre (Mr. Peterson). The motion has been read. I don't know that it's necessary to read it again, but I'll be happy to do so. It reads as follows:

"The committee recommends that the Royal Ontario Museum furnish the committee with the most current monthly financial statements and current budget of the Royal Ontario Museum for analysis by the provincial auditor, such statement analysis to be returned to the committee within three weeks and preferably two weeks.

"The committee further recommends that the Minister of Culture and Recreation, the Deputy Minister of Culture and Recreation, together with the chairman of the board of the Royal Ontario Museum and the director of the Royal Ontario Museum, attend the committee's deliberations of the matter."

The purpose of the interim report was to provide authority for the provincial auditor to look at the current year's material. At this time, he is charged with the responsibility for the period 1977-78. Under the present legislation, the provincial auditor does not personally audit the books of the Royal Ontario Museum. The committee felt that it would be in the best interests of everyone if we could explain this and get some answers to arrive at a full understanding of the current dialogue that is taking place with regard to the museum.

Without going into some of the confusion that arose last Thursday, the intent was to

merely obtain clearance for the auditor to do his work and give the public accounts committee the benefit of his advice.

**Hon. Mr. Welch:** Doesn't he have authority under the Audit Act now?

**Mr. Hall:** Under the new act he will have the authority in the 1979 year, but not in the year that is involved.

**Mr. Makarchuk:** Mr. Speaker, I'd like to support this motion and make a few very brief comments on it.

In the first place, the matters which were of concern to the public accounts committee were the payment to consultants of about \$300 a day or \$500 a day, in the sort of open-ended contracts under which nobody seemed to know what they were doing, what would be the total amount of money spent and what we would have received in return.

What bothered me about that motion was that when it was introduced last Thursday, this Legislature wasn't asking the Liberal Party, the NDP or the Tory party to investigate the books of the Royal Ontario Museum. It was asking the auditor of the province of Ontario to investigate the books of the Royal Ontario Museum, and the Tories over there, that collection over there, balked at it.

**Mr. Nixon:** That's not much of a collection of them here tonight.

**Mr. Makarchuk:** They had an opportunity on Thursday to introduce a motion so that the auditor could start working on it immediately and they refused to do it until today. That bothers me, Mr. Speaker.

**Hon. Mr. Welch:** On a point of order.

**Mr. Speaker:** The honourable House leader.

**Hon. Mr. Welch:** Mr. Speaker, the member for Brantford knows very well why this matter has not been debated until now. Rule 30(c) provides that when reports come in from standing committees containing recommendations with substantive matters the person bringing in the report moves the adjournment of the debate. The adjournment of the debate was, in fact, moved. The order has been called. I think it's very unfair to suggest the government has opposed this



particular matter. How does the member come to that conclusion until such time as the question is put tonight?

**Mr. Breithaupt:** Mr. Speaker, I should remind honourable members, of course, that was the opinion given by the acting House leader (Mr. Grossman) while he had that responsibility, and it is one with which we in fact concur.

**Mr. Makarchuk:** In speaking to the point of order, Mr. Speaker, when this debate was adjourned the acting House leader had the opportunity to enter that same motion which would have been acted on at that time in the House. He had the option but refused to do it. I think that has to be made clear as well. The government has the power to introduce motions.

**Mr. Kennedy:** That's not so. You don't have an option in standing orders.

**Mr. Speaker:** Order.

**Hon. Mr. Welch:** The procedure we are following is in order.

**Mr. Speaker:** Order. The procedural aspect of this question has really been dealt with, I hope, to the satisfaction of all members who were present last Thursday. We're dealing with the substance of this report and I hope members will confine their remarks to that.

**Mr. Makarchuk:** Mr. Speaker, to conclude my remarks: the concern, of course, is that up to \$4 million has been spent to this time by the Royal Ontario Museum on various groups, bodies, consultants, fund raisers and so on, including members of the Tory party, and I would like to know exactly what we have got. What does the public of Ontario have in return for this funding? I hope the auditor will enlighten us on that point.

**Mr. Speaker:** Does any other member wish to speak to the motion?

**Mr. Peterson:** If I may, at the outset I would like to address my remarks a little bit to the procedural aspects of what transpired—

**Mr. Speaker:** No, I've ruled that it has been dealt with.

**Mr. Peterson:** —and how it got to this House, Mr. Speaker.

**Mr. Speaker:** As long as you're dealing with the substance of the report.

**Mr. Peterson:** After you hear them I'm sure that you will agree with me that they are totally in order.

I, personally, am one who would like to thank the acting House leader of the time, and the House leader now for calling this order so quickly recognizing that we did have

a difference in which we were all as members of this House, involved. Legitimately, the government did not have to bring this matter forward for some longer period of time than has in fact transpired. I am one, although I participated in that particular procedural debate, who recognizes that in the circumstances the government has acted very fairly and I appreciate that very much. I do believe, Mr. Speaker, that time is of the essence, and I think the government recognizes that.

We are not here tonight by virtue of this particular motion to cast aspersions or point fingers. Nevertheless, we all know the situation through press reports and through a great deal of controversy about this particular issue. As legislators we are responsible for this particular venerable institution. I hasten to point out that I am one who has a great respect for this institution. I believe it has to survive and it has to survive well. Personally, coming from London, Ontario, my first memories of Toronto are of visiting the dinosaurs and the mummies, some of whom now sit on the Tory benches.

**Mr. T. P. Reid:** Now you just visit the mummies.

**Mr. Peterson:** Those are some of the first and most glorious memories I have.

**Mr. T. P. Reid:** That was when there were more Tories.

**Mr. Peterson:** I'm a little disappointed that they're now running the government in this province.

But let me say that I don't think any of us are here by virtue of this motion to cast aspersions or to look for blame. What has transpired is that this matter has come before the social development committee. To the best of my knowledge, and I may be wrong, there has been no resolution of the problem. I think there are enough unanswered questions that this modest and unassuming motion coming from the public accounts committee is a good one.

**Mr. Nixon:** Authored by the member for London Centre.

**Mr. Peterson:** I say in some modesty that it was my motion, but I say also that it was voted for unanimously.

I am concerned about this. Again, I thank the House leader. Time is of the essence for several reasons. They are in the middle of a very important fund-raising project, as I understand. They have raised about \$6.7 million of a target of about \$10 million; that means about \$3.3 million is still to come. As legislators we don't want in any way to jeopardize that money.



We also recognize that the books of the Royal Ontario Museum have been fully audited, as I understand it, with an unqualified opinion from their auditors, Clarkson Gordon and Company. We are not suggesting there are surreptitious or untoward things going on in the books of the ROM. What we are suggesting is that with the new concept of value for money perhaps there are certain things and certain legislative input we could provide, and hopefully once and for all, on a non-partisan basis, clear up some of the questions we are facing.

Obviously it was a matter of some concern to some of my colleagues on the committee that the director of the ROM was not there and that the minister was not there. One of the matters this motion deals with is bringing the responsible people, such as the chairman of the board, before the committee. If there are problems, then obviously a lot of responsibility rests with the executive director as well as with the minister and the deputy minister.

What has happened is that we have had sort of half-answers—I wouldn't use the word "half-truths"—and shaded kinds of opinions coming out of the ministry on what is going to transpire. Is it going to close; is it not going to close? What is the minister's opinion? One has the clear impression that the minister didn't know until recently that the museum may close. We have had a myriad of opinions on that. It won't close or it will close for one year; for 16 months or possibly for four years. I think all the press attention to this has been a little bit damaging to the museum.

I say on behalf of my colleagues that we have a strong commitment to this organization. It is a world-class institution of which we are justifiably proud on our side of the House. But there are enough questions that the matter has to be dealt with on a non-partisan basis. My colleagues feel this is best done before the public accounts committee and it is best done as quickly as possible.

As I said earlier, this is not an internal audit. What this will do is deal with the latest financial statements and the budget and make sure they are relatively on track. We are concerned about the fact that there have been press reports and some evidence to indicate there will be a very substantial deficit over the next year because of a potential closing while the renovations are going on. We are also concerned about the fact there have been deficits for the past three years. They have eaten into the general reserves of that particular institution. One only has to look at the budgetary practices of this government, and transpose those on to an

organization like the museum to realize it is headed for trouble in that not-too-distant future unless we address our minds collectively to that problem and do something about it.

There is no question that over the past three or four years the government has been very parsimonious with this great institution, but no more parsimonious than it has been with various other institutions and we may have to look at the whole method of funding; we may have to look at the whole structure of how the Royal Ontario Museum is funded.

[8:15]

When I look at some of the details—and I do not want to go into great detail—I see, for instance, a grant of \$124,000 from Wintario last year to the ROM to build up audience, an audience development grant. When I see such a \$124,000 matching grant given to the museum, which obviously has to come up with an equivalent amount of money at the same time as it is running a deficit of \$300,000 or \$400,000, I have to ask, where are the priorities? Should we be putting that money into an advertising and publicity campaign when we are about to face a closing?

There are a lot of things, albeit we are facing one of the most confused accounting systems I have ever seen in my life—which may be somewhat justified, because there are general accounts as well as trust accounts and expansion accounts. It seems to be very much a matter of judgement which particular item is put into which particular account. It needs a great deal of explaining. I am not suggesting it is in any way dishonest, but there are certain judgements brought to bear on this matter that need a great deal of explanation and probably subject themselves to a great deal of second-guessing.

Because of grants such as the audience development grant and because of this kind of handling of the situation, the matter has to come before a legislative committee once and for all so that we can look at it collectively and apply our judgement.

I think I speak with frankness when I say my colleagues from the New Democratic Party probably share the same kind of view I have; we share the same respect for this organization. My friend from Brantford has some very serious reservations about the \$4 million or so that has already been spent on consulting fees, particularly in view of the fact that it is a \$44-million project, for which we have never had a commitment from the federal government for the last \$15 million or so. That is a little bit scary.



We would like to know a little bit more about the psychology of a board—let us not forget that 15 members of that board are appointed by this government; there has been a lot of controversy about that—which has made some judgements that cause serious people to say, “We need, and we are obliged to have, an explanation.” Let us not forget that out of the \$44 million for the expansion program, all but \$10 million—presumably raised by the private sector—is public money, administered entirely by a board, 15 of whose members are appointed by the government and three of whom are appointed by the membership. That in itself is cause for alarm.

If we did not present this report to the Legislature, we would be less than responsible in my judgement. That is why I am asking all members for their support. We have asked the provincial auditor to move as quickly as he possibly can. If he is not satisfied with certain things, this may drag out longer than we would ideally like. In any event, we have an obligation to move quickly and to put this matter to rest, if at all possible, or to solve the matter as it stands.

I have two other thoughts I would like to share with you, Mr. Speaker. I was very unhappy with the board structure at the ROM—and this will be debated later, I assume—and I compliment my friend from Dovercourt, who presented a bill to change the board structure. I might argue with some of the numbers, but I think it is a progressive move and something I look forward to. I hope it is debated in this Legislature later. I think the board structure is archaic. I am a little harsh when I say it is a repository for political hacks, but I am not very far off when I say it could be brought into far more responsibility and accountability than it has at present.

There is one other thing that has to be addressed, and I hope the public accounts committee can have a major influence on this. Through the press and through anonymous letters, we are all aware of what we at least perceive, without being able to prove, as deteriorating morale among the curators and the curatorial staff of that museum. That disturbs me very much, because we do not like to see that in any institution. On the other hand, the board of directors and the director were faced with an anonymous letter from the curatorial staff, which I regard as a cowardly and snivelling act. If they have anything to contribute to this debate, they should be called before the public accounts committee. If we knew who they were, or if they had the courage—I assume they will probably read Hansard, because they have an

interest—I would hope those people, whoever they are, would come forward, come before our committee and present their point of view, because this seems to be the forum of last resort. All of my colleagues, from all three parties I say with pride, are quite prepared to deal with this fairly and dispassionately. This hopefully will put to rest any of the false rumours and let officials at the ROM get on with the great job they have ahead of them of providing the kinds of services they do for the people and for the children of this province.

**Hon. Mr. Baetz:** Mr. Speaker, I don't want to prolong this debate here tonight at all.

**Mr. Sargent:** Why don't you just resign?

**Hon. Mr. Baetz:** I look forward to saying what I will want to say at the time we appear before the public accounts committee. As I indicated in the statement this afternoon to the House, I welcome, and I know that Mr. Hermant the chairman of the Royal Ontario Museum board and Dr. Cruise the director of ROM welcome, the opportunity of appearing before the public accounts committee and having the provincial auditor take a very good hard, detailed look at the financing, financial arrangements and financial administration of ROM. We do this, really, essentially because of the feelings we have that this is the only way to help dispel a great deal of the cloud of suspicion I feel has unfortunately and artificially been built up around ROM and its management. We do this to get to the bottom of the kind of aspersions that have been cast repeatedly. We've just heard again tonight from the honourable member for Brantford what I think are irresponsible aspersions.

**Mr. Makarchuk:** You are irresponsible when you waste public funds and you've been doing that all along.

**Hon. Mr. Baetz:** We will find out when the provincial auditor takes a good look at it. I would only like to say that I too feel very much as the representative for London Centre has indicated, for heaven's sake, let's keep our approach to ROM on a non-partisan basis, because ROM is far too big, far too important an institution for Toronto, for Ontario, for Canada, and for the world to—

**Mr. Makarchuk:** Every time you get caught with your fingers in the pot you say “Let's be non-partisan.” Baloney

**Hon. Mr. Baetz:** —be playing the kind of cheap politics the honourable member for Brantford has been playing. His groundless aspersions, I am sure, are going to make him look a bit silly in about two weeks time; I can guarantee him that.



**Mr. McClellan:** What is going to happen in two weeks? You are going to be stuffed and mounted in two weeks.

**Mr. Grande:** You brought it to this point.

**Hon. Mr. Baetz:** Anyway, without getting into the argument here any further, we are delighted, we welcome the full and open investigation to which the provincial auditor is going to submit ROM.

**Mr. Warner:** I am sure they have a place for you in that building, underneath the totem pole.

**Mr. T. P. Reid:** Mr. Speaker, I just want to address myself briefly to this matter. Due to circumstances beyond my control, I was not able to be at public accounts last Thursday when this matter arose.

However, I have gone over the Hansard for that time dealing with the matters in regard to the Royal Ontario Museum. There were certainly more questions raised in the committee than answered. The exercise we are going through will be a very healthy one indeed, as the minister amongst others has pointed out.

I think it's important the point be made that in fact, this is a *de facto* expression of the new Audit Act we passed in December 1977. That particular act provides that the auditor of the province could look at the expenditures of the government in terms of value for money, a concept that is relatively new in Canada, in regard to ensuring the taxpayer's dollar is spent with due regard for economy and efficiency. In very basic terms what that means is that the auditor can follow the dollar of taxpayer's money—whether it be by grant, subsidy, transfer payment, whatever—to the donee and its ultimate disposition to ensure the taxpayers are getting their money's worth.

I think probably this is the first opportunity the public accounts committee will have had to put that principle in the act to a very practical purpose. I think we will find the powers under the Audit Act, in section 9 and in section 12 particularly, will be to the benefit of the people of this province.

I gather from the minister's remarks in the House tonight and in a statement earlier the government is prepared to accept the motion of the public accounts committee and so direct the auditor to do this investigation into wrong. This is an occasion of the very first importance and I hope the government will be as amenable when the public accounts committee comes up with others.

**Mr. Grande:** I thought maybe I would never be recognized, but thank you, Mr. Speaker; I rise to support the recommenda-

tion from the public accounts committee. I think it is the very least that needs to be done, and it needs to be done very fast. Of course, let us not forget that the person responsible for bringing the situation to this point, bringing about the loss of credibility the museum might suffer, is the Minister of Culture and Recreation; it results from his inaction.

Back at the beginning of April, there was evidence presented by the director that was given to the social development committee. The committee accepted that evidence in good faith and two weeks later we find that all of those facts and figures were wrong, in essence. At that time the minister was flippant with the press, saying: "I am going to go to the bottom of this," et cetera, et cetera, ad infinitum.

But in effect the minister sat and did nothing until the whole thing exploded into the press. Then the minister and the government really had no option. Giving it to the public accounts committee is the very least that should have been done. What the minister should have done at the end of April, when he found the museum was not giving him, as he claimed, the facts and figures as they existed, is call for an inquiry into the museum, both in terms of finances and in terms of the low morale that existed. We don't need 15 or 20 unknown curators sending a letter to the Legislature because they do not want to go through the existing structures for fear of losing their jobs. That's exactly the way the situation is. I know the minister does not like to hear these things but that's exactly the way it stands.

I certainly don't know, to this point, whether or not there's mismanagement of the museum. I certainly don't know whether there is overspending, or whether there is, as some people allege, feather-bedding. I certainly don't know whether the freeze on hiring that was supposed to be established in 1975 was established or whether in the years 1976-1977-1978 we added 40 to 50 more people at the museum. I don't know if these things exist, but I suppose the provincial auditor will take a look at that and at whether there's been mismanagement of the finances.

[8:30]

What I do know is that the morale at the museum has been at the lowest point in its history. What I do know is that the minister and the ministry did not take this problem sooner and do something about it and I think the minister should accept full responsibility for that, for having come to this particular point without action.



I do know for a fact there were meetings supposedly between the administration of the museum and the minister. I do know for a fact the minister said that he would keep the people in the social development committee updated in terms of what is happening in those meetings. And I do know for a fact I did not receive any information about those meetings.

If the minister wanted to heal the problem at the museum in some kind of a backroom fashion, well, that is fine; if that is his style, that is his style. However, once the social development committee, a committee of this Legislature, received financial information that was not correct; once the layoffs that were supposed to have occurred were no longer going to occur; once the minister had a meeting with Dr. Cruise at the museum and the minister supposedly promised funds to go to the museum, and then we find out from Dr. Wright, your deputy minister, that no such agreement was reached, then something is wrong.

As a matter of fact, Mr. Speaker, just to keep the members of the Legislature updated in these kinds of things, there was a statement that the director of the museum made to the staff which said: "I am personally delighted to report that our board of trustees, particularly through the finance committee and the Minister of Culture and Recreation, the Honourable Reuben C. Baetz, have become convinced of the absolute necessity of avoiding layoffs of the Royal Ontario Museum staff numbers as a result of the current fiscal stringencies. Consequently, extraordinary arrangements will be made by both our board and the minister to assist us in our efforts to retain the fullest possible staff complement throughout the 1979-80 fiscal year. Mr. Baetz will issue a press release on this subject before the end of the week."

That is when the minister was supposed to act. The date of this memorandum is Friday, April 27; in other words, two and a half weeks after the social development committee hearing. That clearly was the time at which the minister could have acted, but the minister allowed the credibility of the museum, of the staff, of the administration of the museum, really to go downhill from that point on. That is the reason why, if the museum has suffered any loss of credibility, the Minister of Culture and Recreation should accept full responsibility for that. The least—I repeat, the least—that the minister and the government should do is to allow the provincial auditor to audit the financial statements of the museum.

I hope that the minister, some time within the next two to three weeks, will take a look at the private member's bill I presented in this Legislature. I think it makes a lot of sense. I think the day is gone when boards that work on behalf of the public and make public decisions should remain virtually closed with no public access to them, and the board at the museum is one of these many boards.

I just leave the minister with this thought. I hope he takes a look at the private member's bill and I hope he will introduce legislation to make sure that that becomes a reality. With that, Mr. Speaker, thank you very much for your indulgence.

**Mr. Speaker:** The member for Hamilton West.

**Mr. S. Smith:** Aren't we taking it in rotation? I don't mind if the—

**Mr. Speaker:** The honourable minister has already spoken.

**Mr. McClellan:** Read the Order Paper, Reuben. This wouldn't have happened to your friend.

**Mr. S. Smith:** It is interesting that the Royal Ontario Museum is now before us for discussion. It is a very great institution and one to which I am sure all of us are very dedicated, one whose health we all wish to preserve and whose future we wish to flourish.

But it is interesting as well that it is one of those places to which this government over the last 36 years has been appointing its friends to operate. I point out they have this at Ontario Place, at the Ontario Science Centre—at Ontario Hydro, believe it or not, which is after all larger than most governments in North America. They have this basic situation after 36 years where partisans and friends of one party have been settling into sinecures in various posts in Ontario.

At the Royal Ontario Museum we have almost the archetype of that particular type of sinecure. We have a situation, perfectly obvious now to the population of Ontario, where the finances, although no one is suggesting irregularities or wrong-doing of any kind—certainly there is no one in this House who would suggest such a thing—where the finances appear to be, to put it mildly, in a shambles; where this House can be told one day in one of its committees anticipated receipts that the museum may expect, and be told two weeks later those figures are out by several hundred per cent.

We have a situation where among members of the staff, both the maintenance and curatorial staff, there is very real fear that because of the expansion certain expenses are



being incurred—either expenses due to certain movements within the museum or certain functions that have to be performed—which would not otherwise have occurred had there not been an expansion. There is a concern, which I know the auditor will look at, that certain expenses which ought properly therefore to be related to the capital expansion are being covered out of operating revenue. And there is a fear among the staff that these moneys might more properly have been used—if in fact it be the case that such moneys have been transferred to capital purposes—in both salaries and other expenses within the museum operating budget. The auditor will undoubtedly be able to help us with regard to that.

But for me, in the opposition, the most fascinating aspect of this is to pass by the museum day after day and to see buses by the dozen lined up there with school children and with adults going to the museum to obtain the kind of experience, the kind of education, the kind of enlightenment which can only come from such a great institution. One sees the tourism component; the great addition which the museum represents to the tourism of the province of Ontario and the city of Toronto.

It is absolutely astonishing to me that any minister who would take on responsibility for a portfolio which involves that museum and who would see the countless thousands of people who depend upon that museum, directly and indirectly, would contemplate that museum might actually be closed to the public for purposes of renovation. In fact, I would have difficulty understanding it being closed for a week or for a month, let alone for years at a time. In the name of improvement of this institution, it would appear that certain planners have taken it upon themselves to consider its closure.

The amazing thing to me—and one never knows in this world what responsibilities might be thrust upon one at some point—

**Mr. Foulds:** Don't be too hopeful, Stuart.

**Mr. S. Smith:**—just thinking about the matter of administration of government, one has to ask is it possible, is it conceivable, that a minister would hand out some \$17 million or more for purposes of expansion and that no one in his ministry will bother to sit down with the group that is asking for that money in such a vital institution, to look over carefully, possibly with a fine-tooth comb, the planning for which that money is being apportioned. It is absolutely outrageous that when we rise in this House to ask the minister whether he was even told about the contemplated closing of that museum, he was for

weeks unable to answer that and was unable to tell the members of this House whether he even knew that such a closing was contemplated, let alone the length of it.

On this day as we stand here now, we heard earlier that government policy is to have a minimum disruption. In the first place, it is interesting that the government has any policy on this particular matter. There has been precious little sign of it up to now during the last three and four months of this debate. The government's policy is one of minimum disruption, whatever that means. We have that word from a minister who couldn't even tell us here a couple of weeks ago whether he knew that the museum would be closed for the purpose of this expansion.

We have heard from certain experts that the closure might be now necessary because it would cost a lot of money to stretch out the process of making these improvements and expansions. Consequently, it might be a situation where the public should be told to expect the closure now or else pay more money for a lengthier expansion procedure later.

That is going about things completely backwards. First, the government should start by saying the museum is not going to be closed. Secondly, it would say: "Here is the amount of money available." Thirdly, it should demand a plan to expand the museum within the budget available. Instead, they did things completely the wrong way round. They first gave out the money without looking at a plan. After that, they were told that it would be closed. Thirdly, they said: "My goodness, if it isn't going to be closed, we won't be able to do as big an expansion as we wanted to do in the first place." What a fine way of painting the people of Ontario and the government of Ontario into a financial box!

It is beyond any dispute that the ministry, and particularly this minister, has failed in its duty to make certain it knew what the plans of expansion were in every detail, with every "t" crossed and every "i" dotted, before it assured anyone of the kinds of millions of dollars of public funds which were assured to the museum for its expansion.

One final word: We are told that the museum board is going to be able to give facts and figures to the auditor and that this cloud which the minister says has artificially been placed over the museum will be dissipated. The cloud is over the museum because of the utter incompetence of the minister. The cloud is over the museum because no one has bothered to make certain that a proper plan was presented before the money



was handed over, instead of after the money was handed over.

The cloud should be removed from over the head of the museum, but the best way to do it would be, first of all, with a change of the government of the day. Secondly, until that happens there must surely be some fresh air brought into those cobwebbed halls of those Tory partisans who now consider themselves to be the directors and who over the years have been the directors of that public trust.

Surely the time has come to have the public interest represented on that museum and to have certain elected people, if that be appropriate—and I think it is very appropriate—as part of that board. It is important that the membership, as suggested by the member for Oakwood, have more representation on the board. I would go even farther than he and have some elected people there as well. It is not good enough for someone to be on that board representing the curatorial interests or the maintenance interests or the interests of those who meet at the Ritz-Carleton or outside Holt Renfrew from time to time to discuss these matters.

**Mr. Nixon:** Sometimes inside.

**Mr. S. Smith:** It is important that the interests be maintained of the ordinary citizen, the students, the children, the people who go to that museum to learn and the people who depend on tourism. Someone on that board must be protecting the interests of those people. At the moment, there is no one on that board assigned the job basically of protecting the interests of the ordinary citizens of Ontario and it's about time we had some elected representation on that board to do so.

[8:45]

I am pleased that all three parties, and in this I give credit to the government party, have agreed that the provincial auditor should be looking at these matters and I have every confidence that his investigation will be the kind of investigation which, as my colleague from Rainy River has pointed out, will show the value and the benefit of the new Audit Act, and I salute the fact that all three parties have agreed on this. But, lest we forget, I want to make it very plain that the problem lies in the minister, in the ministry, in their procedures, in their appointees on the board, and ultimately with the government of the day.

**Hon. Mr. Baetz:** Mr. Speaker, on a point of order: I thought there was rotation and we have had, since I spoke, one speaker there, one speaker from one opposition party,

another speaker from the other opposition party, and no speaker from the government.

**Mr. Speaker:** Anyone from the government side who wants to speak and has not already spoken may do so. Members only have the opportunity to speak once in a debate. If anybody else wants to participate I would be happy to recognize him.

Do you have a point of order?

**Hon. Mr. Baetz:** On a point of order, Mr. Speaker: Do I have permission to speak again sometime in this debate?

**Mr. Speaker:** No. The minister has already spoken.

**Hon. Mr. Baetz:** To respond to some of this drivel that I hear from across the floor.

**Mr. Speaker:** No. This isn't a government-sponsored bill.

**Hon. Mr. Baetz:** Drivel. That's all it is.

**Mr. Speaker:** Order. The chair has been very tolerant up to this point in time. I must remind all honourable members that the motion before the House is: "Your committee recommends that the Royal Ontario Museum furnish the committee with the most current monthly financial statement and budget of the Royal Ontario Museum for analysis by the provincial auditor, such statement analysis to be returned to the committee within three weeks, preferably two weeks."

"Your committee further recommends that the Minister of Culture and Recreation, the Deputy Minister of Culture and Recreation, together with the chairman of the board of the Royal Ontario Museum attend at the committee's deliberations of that matter." That is really what is before the House.

**Mr. McClellan:** Thank you very much, Mr. Speaker. I hadn't intended to speak, I had actually come into the House to speak on the next agenda item which is the report of Lakeshore Psychiatric Hospital, but because the Liberal Party is obviously wanting to string this debate out to avoid discussing the Lakeshore Psychiatric Hospital and their health critic is not even in the House, I will deal with this issue.

**Mr. Speaker:** Is the member going to deal with this issue or the next one?

**Mr. McClellan:** I'm dealing with this issue.

**Mr. Speaker:** Thank you.

**Mr. McClellan:** I just wanted to put a couple of concerns on the record in addition to the one that I just did put on the record, and that concern is this.

**Mr. Speaker:** Order, order. If there is any situation here that has happened in the last



few days that might constitute imputing of motives, that came closest to it.

**Mr. McClellan:** Far be it from me to impute motives, Mr. Speaker.

The issue before us is important. The issue came before the social development committee on April 11 for the first time. I had thought that I was the person on that committee who would first question Dr. Cruise about the state of the museum's finances but I was wrong. The member for Victoria-Haliburton (Mr. Eakins) from the Liberal Party had asked Dr. Cruise a question before I questioned Dr. Cruise about some doctor at the museum who was doing research connected with the Sportsmen's Show. That was their contribution to the discussion.

The thing that concerns me very much is this: when I had the opportunity to question Dr. Cruise in front of the committee he gave information to me and to other members of the committee which turns out not to be accurate, not to be accurate at all. I don't understand that kind of a state of affairs.

I had asked Dr. Cruise, "What's happening at the museum?"—as bluntly as that. I asked him to present us with the financial picture of the museum as of April 11, 1979, and Dr. Cruise came forward with what appeared to be a fairly plausible explanation of the museum's financial affairs and indicated that with the payment of additional revenues in the order of \$600,000 all of their problems would be solved. That turns out not to be true. It simply turns out not to be true.

I don't know what the minister thought when he discovered that non-factual information had been given to the committee. I don't know why the minister chose to treat it as flippantly as he did, as though it was some kind of minor peccadillo that could be shrugged off, when officials under his jurisdiction give fallacious information to a committee of the Legislature.

The minister isn't even listening. I call attention to the fact, Mr. Speaker, that the minister even now isn't paying the slightest bit of attention. I'm sure he hasn't heard a word I've said.

**Mr. Nixon:** He's desperately perusing the rules.

**Mr. McClellan:** He may well be reading the rules of order.

**Mr. Roy:** That's not fair. He's just trying to learn procedure now.

**Mr. McClellan:** He may well be reading the rules of order to try to figure out how to behave in the House. He's certainly not listening to the debate.

I welcome the resolution that's in front of us because it will give an opportunity for a thorough scrutiny of the museum's affairs as well as of the transparently phony information that was given to the committee.

The minister still isn't listening.

This minister is a rare specimen. He moves into the ministry and within a matter of weeks the multicultural program is in a state of shambles; his officials are—

**Mr. Peterson:** Put your hands in your pockets, will you?

**Mr. McClellan:** I'm Italian. What can I do?

The officials seem to be distorting the program for crass political purposes. The next thing we look at under this minister's jurisdiction being the museum, we see such a can of worms that it is indescribable; it is incomprehensible to members of the Legislature.

The minister has a rare genius. He is a walking catastrophe. Everything he touches turns to chaos and discombobulation.

I hope he has found the appropriate page of the standing orders. It's difficult to debate with such a stolid fellow.

At any rate, I support the motion. I hope we can pass it quickly and move on to the next item, which is the closing of Lakeshore Psychiatric Hospital.

**Mr. Nixon:** Mr. Speaker, I, too, hope that the motion can be passed quickly. But the member for Bellwoods, having entered the debate, has prompted me just to put forward one or two ideas, particularly since I see the provincial auditor in the gallery. I really welcome his presence because I hope some of the thoughts put forward from all sides will be of some assistance, perhaps small assistance, to him in carrying out the responsibilities that will descend on him following the passage of the motion.

The motion says in its middle paragraph: "The committee recommends that the museum furnish the committee with the most current monthly financial statement and budget of the Royal Ontario Museum for analysis by the provincial auditor."

My colleague, the chairman of the public accounts committee, has properly brought to our attention that that analysis is something more than adding and subtracting the figures to see how the balance comes out. It has to do with an objective judgement as to the quality of the services we are deriving from the expenditure of the money—in fact, the quality of the administration and leadership of the Royal Ontario Museum.

I have always been impressed with the way the provincial auditor, who is a moderate man in all things, has seized on responsibili-



ties such as this that have come to him properly from this House through the public accounts committee. I have felt his advice in this connection could never be identified as anything but moderate, intelligent, incisive and, certainly, very fair-minded. He has this reputation which means that his recommendations through the committee, and through the committee to this House, will be very significant indeed.

But I should also say I'm not nearly as sanguine as the minister in his comments that in two or three weeks from now we will see that all is well at the museum. My leader has pointed out in very strong and vivid terms the concern that all citizens have when we read the projections for the closing of that institution for some undetermined period of time, which will mean the facility will be cut off from the citizens, and particularly the students, of the province. As a matter of fact, in some respects, the Royal Ontario Museum may very well be in some jeopardy because the government, through its expenditure of public funds in building the Ontario Science Centre and Ontario Place and the upgrading of the art gallery, has created many alternatives that vie with the museum for the public dollar and for the students and others who would go there.

It has been described recently as the sort of attic of the province. There is everything there from Queen Victoria's wedding gown to pornographic hieroglyphics on Egyptian vases. And I can assure members that any intelligent 12-year-old can find them.

**Mr. Peterson:** How do you know?

**Mr. Breithaupt:** What do they say?

**Mr. Nixon:** I was 18 at the time.

**Mr. T. P. Reid:** Which exhibit did you notice?

**Mr. Nixon:** There has been a recent direct criticism of the museum—and I don't want to stray from the words of the resolution—in *Toronto Life*. It brought to bear criticism on the minister, particularly for the judgement that has been shown in maintaining the present board—the very deep concern that many people feel. The board kicked off its fund-raising opportunities at Holt Renfrew—my colleague and leader made reference to this—and it was more or less supported by the minister. He said at the opening of Holt Renfrew, the most prestigious and chic store on Bloor Street and many other streets, that through the generosity of his Wintario fund he would match dollar for dollar any money that was raised.

Even in that regard I hope the auditor will look at the efficacy of such a procedure. One

cannot fulfil either the leadership of the museum or its clientele from the mansions of Rosedale or the penthouses on the Lakeshore. It's got to appeal to the people of this city and, in fact, the whole province who perhaps do not associate with the first settlers in Waterloo county or even Brant.

**Hon. Mr. Baetz:** You don't know what you're talking about.

**Mr. Nixon:** There are a lot of people who came into this province since the honourable minister's forefathers came here who are maybe not so interested in what the Holt Renfrew set think is chic or where the best parties are given.

**Hon. Mr. Baetz:** I'm not interested in that kind of rubbish. If you want to be non-partisan—

**Mr. Roy:** You've had your chance to speak.

**Mr. Nixon:** This is a matter that must concern the members of this House. Members will recall on more than one occasion when the government has taken off the gloves and moved into an organization and put some order into it. I simply recall to the minister's mind what the government had to do with the Ontario College of Art.

**Hon. Mr. Baetz:** First Peterson raving on, and now you want to make a big political football of this. Despicable.

**Mr. Hennessy:** Louder, Nixon, we can't hear you.

**Mr. Nixon:** Well, the minister is gesturing. At least I've caught his attention. He has apparently decided not to rely on his predecessor, the former Minister of Culture and Recreation, who, I trust, will enter the debate before it concludes.

**Hon. Mr. Baetz:** We want to end the debate and get on with the public accounts of the province.

**Mr. Nixon:** I am very much in support of the motion. It is very cleverly and astutely drawn by the member for London Centre. It calls into play the more modern and effective responsibilities the committee on public accounts can use through the offices of the provincial auditor. We are hoping he will look at the information ancillary to these accounts.

[9:00]

For example, there is no reason at all he should not examine carefully the letter from the curators. The fact it was not signed by individual curators and so in that respect is anonymous should not prompt him or the minister to dismiss it. There is no question it was written by the curators and called for



the kind of internal audit which must concern us and I'm sure will concern the provincial auditor.

**Hon. Mr. Baetz:** It was condemned by the other professional staff who said they were disgusted at the sending of the letter.

**Mr. Nixon:** I have no hesitation in supporting this motion. I have the greatest confidence in the auditor.

**Hon. Mr. Baetz:** Then why don't you let him get on with the job instead of standing there pulling off a grandstand?

**Mr. Nixon:** I must say the present minister, who has used up his proper opportunity to enter into this debate and is now interfering with the debate by interjection, is travelling a very difficult path.

**Hon. Mr. Baetz:** You're grandstanding.

**Mr. Nixon:** I believe his ministry more and more is going to be brought to public attention because of the inefficiencies of the administration and the deep concern people have about the use of the funds collected in this province through Wintario.

**Hon. Mr. Baetz:** Why don't you let the provincial auditor get to the story then?

**Mr. Roy:** You're embarrassed.

**Mr. Nixon:** We are very much concerned, for example, about his decision in support of the museum in such a cavalier way. We want the museum to be supported, but we want it to be done in a fair and equitable manner.

**Hon. Mr. Baetz:** You're wasting the time of this House.

**Mr. Foulds:** Mr. Speaker, under standing order 36, I move that this question be now put.

**Mr. Mancini:** That's closure.

**Mr. S. Smith:** Are we not to hear from the member for Brock (Mr. Welch)?

**Mr. Speaker:** Is the member for Port Arthur moving the previous question?

Shall the previous question be put?

Some hon. members: No.

**Mr. T. P. Reid:** Why should we cut off debate?

**Mr. Speaker:** All those in favour will please say "aye."

All those opposed will please say "nay."  
In my opinion, the nays have it.

Motion negatived.

**Mr. S. Smith:** Let's hear from the previous minister. The present minister will tell him what to say.

**Mr. Speaker:** Does any other member wish to participate in the debate?

**Mr. Breithaupt:** Mr. Speaker, I was interested in joining in this debate briefly—

**Mr. McClellan:** Where is Sean Conway?

**Mr. Foulds:** You are filibustering.

**Mr. McClellan:** Where is Sean Conway?

**Mr. Foulds:** You're too chicken to discuss the Health report.

**Mr. McClellan:** Too cowardly to discuss Lakeshore.

**Mr. Breithaupt:** —because it fell to me during my six years as chairman of the public accounts committee to be very concerned with respect to the audits of a variety of operations in the province. I was interested in relating to this motion with respect to the analysis by the provincial auditor that was referred to in the motion.

The chairman of the public accounts committee, my colleague from Rainy River, referred to the Audit Act and referred particularly to section 12 and the opportunity the provincial auditor now has to consider whether funds provided by provincial authorities—

**Mr. Lawlor:** The more unanimous, the longer the debate.

**Mr. Breithaupt:** —are expended with due regard to economy and efficiency. This, I think, is a useful attribute of the provincial Audit Act and it's one which I think should commend itself to all the members of this House.

A number of members have now spoken on the background and the operation of the museum. I think if we can put that to one side for now to consider the activities of the provincial auditor with respect to these areas we would indeed be well served in doing so.

The provincial auditor, over the years, has had an Audit Act now substantially different from that in effect in the federal field. I recall that, during the years when I was chairman of the public accounts committee, we had a circumstance whereby we really were not given the opportunity to see value judgements made on funds spent within the province. That, I believe, has changed, fortunately for the better. We have not only an Audit Act which involves itself more strongly in that area, but I believe we also have a provincial auditor who is quite prepared to make these value judgements and to advise the House on a solid and mature opinion as to whether funds have or have not been as well spent as they might have been in the public interest.



In the motion which has been brought before us through the vice-chairman, my colleague from Lincoln, and following the remarks and the motion made by the member for London Centre, it would appear we now have the opportunity for the first real use of the new Audit Act. I believe the circumstances have been clearly set out, and all members of the House are quite clearly of a view that there have been no irregularities or any miscreant involvement of the spending of public funds in this matter.

What we are looking at here is possibly a matter of some judgement, possibly a matter of the use of funds in one area when they might have been somewhat more peculiarly relevant to another area in the expansion of the museum, compared with the use of current day-to-day operating funds.

A number of members have referred on occasion to the letter which has been received from a group, apparently, of the curatorial staff in the museum. I do not necessarily share the view that these persons must necessarily reveal their names and make themselves immediately apparent to the investigating committee. I believe it would be a much better thing if they did so. However, if it is their wish to remain anonymous, they of course have that opportunity.

In that letter they have set forward a series of deeply held beliefs and concerns about the future of the museum and the future of the organization of which they are a part. To share those concerns with the House and with the general public is a most important decision. I think we have now the chance to review the statistical and accounting matters within the Royal Ontario Museum, one would hope in the best interest of all concerned. That interest includes those who have sent in that letter. It includes, of course, the many busloads of visitors and school children to whom my leader referred earlier. It also includes, of course, not only the general public of the province, but also all of us more particularly as members of the Legislature.

I am quite of a view that the minister who is responsible in this area is every bit as concerned about the operation of the museum as is any one of us. I do not for the moment view his involvement as being anything less than a general interest in the operation of the museum as he sees it. But we on this side of the House have been concerned about this whole circumstance; we have been concerned about the press comments and the involvement we have seen. Therefore, we welcome the opportunity for an independent and impartial audit of the current operating procedures within the museum.

Much has been said about the operation of the board of governors of the museum and the web and framework that exists across the province, with government appointees in this and many other branches, boards, commissions and agencies which involve and almost infect every aspect of life within the province. However, that has been referred to and I need not develop it further here.

Suffice it to say that I welcome this opportunity to see the use of the Audit Act and the value judgements involved, which the provincial auditor may make in this circumstance if he believes it worthwhile. I believe the analysis by the provincial auditor will be a most worthwhile one, and I certainly look forward to supporting this motion.

**Mr. Sargent:** A very brief observation, Mr. Speaker: We feel the Royal Ontario Museum belongs to the people of Ontario but, in my years in business, I cannot think of any business in the world with such a great potential for our people that could close for four years, or 17 months—or any time at all—for renovations. It is unbelievable.

The incredible situation here is that all through this debate the minister has been talking to the government House leader, trying to find out what the hell was going on and why he could not speak again. Most of us here know that one in the first week. The minister has been here a long time.

**Hon. Mr. Baetz:** I wasn't up to your tricks. You are filibustering. Why don't you get on with the next piece of business? You're a coward to get on with it.

**Mr. Sargent:** I say to the minister, please hear these two things. In all my years here, he is the only minister I ever saw who won't answer his mail. He won't answer his mail at all.

**Mr. Peterson:** You have got to be able to read to do that.

**Mr. Sargent:** Second, here, before the public accounts committee, we have the shocking, incredible situation. The minister's deputy minister said he didn't know if the museum was going to be closed for a year or four years or whatever. He said the minister didn't know either.

**Mr. Roy:** Of course, that is no surprise.

**Mr. T. P. Reid:** That shouldn't come as a surprise.

**Mr. Sargent:** What I am concerned about is this thing spreads through the whole situation of the government. We have the deputy ministers trying to run the show when the ministers can't give them any guidance. Here we have the minister in charge of the



most flagrant political slush fund in all Canada, with his ability to run a business. From all I can see in this whole pattern, he has never yet proven any business ability in Hydro or anything, to divulge millions of dollars of our funds, unless it's politically motivated. I say that's my great concern in a thing like the ROM. The minister is playing politics with it.

**Mr. Acting Speaker:** Did the member for Etobicoke wish to speak? All right. The member for Port Arthur.

**Mr. Foulds:** Mr. Speaker, I move this question now be put.

**Mr. S. Smith:** We want to hear from the House leader. We have no more speakers.

**Mr. Acting Speaker:** I'm sorry, the motion is out of order.

**Mr. Nixon:** No business has intervened.

**Mr. Foulds:** Two speakers have intervened.

**Mr. Acting Speaker:** Well, that's not any business of the House.

**Mr. Foulds:** That is true, Mr. Speaker.

**Mr. Acting Speaker:** That came out a little differently than I expected it to.

**Mr. Foulds:** It came out right on, Mr. Speaker.

**Mr. S. Smith:** Mr. Speaker, we have no more speakers; I think the House leader of the government wishes to speak now.

**Mr. Acting Speaker:** Does the House leader of the government wish to speak?

**Hon. Mr. Welch:** The matter before us this evening is a consideration of two recommendations from the standing public accounts committee, in case that has eluded the attention of honourable members. There are two recommendations to which we have been asked to give some consideration. Perhaps we could start with the second.

The committee recommended the Royal Ontario Museum furnish the committee, the committee being the public accounts committee, with the most current monthly financial statements and budget of the Royal Ontario Museum for analysis by the provincial auditor. Such statements, analyses and so on, were to be returned to the committee within three weeks, and preferably within two weeks.

Second, there was a recommendation that the Minister of Culture and Recreation, the Deputy Minister of Culture and Recreation together with the chairman of the board of the Royal Ontario Museum and the director of the Royal Ontario Museum, attend at the committee's deliberations of the matter.

The Minister of Culture and Recreation made it quite clear earlier today that he concurred with both of those recommendations. Indeed, it seemed to me to be quite in order that we would simply call this and agree to this and get on with the rest of the business that has been scheduled for this evening.

The member for London Centre, I think, set the very proper tone for this debate when he said he didn't wish to see this reduced to any partisan issue. He made quite clear the great respect he and his colleagues had for the museum, and the wonderful program at the museum. It was echoed by the Leader of the Opposition, who made reference to the long lines of school buses in front of the museum and the tremendous world-wide reputation which this institution holds. He expanded on this whole theme in an effort to impress this House through Hansard and through the media, with the very high respect in which the official opposition held the institution and all who laboured therein. That particular theme was expanded by speaker after speaker as the official opposition was avoiding—

[9:15]

**Mr. T. P. Reid:** You are a little rusty, but you are not doing badly.

**Hon. Mr. Welch:** —the second report which is soon to come before the House.

**Mr. Peterson:** How can you say all this with tongue in cheek and keep a straight face?

**Hon. Mr. Welch:** There were two matters, however, which the Leader of the Opposition made reference to which I do not feel can go unchallenged. I would hope that the Leader of the Opposition in all seriousness would not call into question the sincerity and the very high motivation of many public-spirited citizens who have accepted appointment to the board of trustees of the museum.

**Mr. Peterson:** It is your sincerity and your motivation.

**Hon. Mr. Welch:** Indeed I would think that we should record—

**Mr. S. Smith:** It's not their sincerity or interest, it's your partisanship.

**Hon. Mr. Welch:** Some of them speak very highly of the Leader of the Opposition, to tell the truth.

**An hon. member:** Name one.

**Hon. Mr. Welch:** The point is that they do have a respect for preservation in all its forms.



**Mr. Kennedy:** Including the Liberals.

**Mr. Peterson:** Self-preservation in your case.

**Hon. Mr. Welch:** I would point out that we have men and women who have accepted the nomination to be members of this board who have the interests of the museum very close to their heart and hold it in the same high esteem—

**Mr. Roy:** Nobody denies that.

**Hon. Mr. Baetz:** Your leader does.

**Mr. Roy:** It's you people who are trying to make politics out of it.

**Hon. Mr. Welch:** —as members of the opposition, I think it's unfortunate that that sincerity and that motivation would be called into question or that any of those people would be questioned with respect to their judgement and their interest in and their concern for this institution. I simply felt compelled to stand and speak very solidly in favour of the devotion and the high sense of public service with—

**Mr. Sargent:** That's a crock of nonsense and you know it. Talk about the points involved.

**Hon. Mr. Welch:** —which the members of the board of trustees discharged their responsibility.

**Mr. Makarchuk:** They are the same kind of bunch we had running Ontario Place when they cleaned it out of half a million bucks.

**Mr. S. Smith:** What about their political affiliation?

**Hon. Mr. Welch:** Actually, I am glad the Leader of the Opposition raised that question. We don't ask people what their political affiliation is.

**Mr. T. P. Reid:** You don't have to. You already know. They just all happen to be Tories.

**Mr. Sargent:** Why don't you call me some time?

**An hon. member:** You are jealous.

**Mr. S. Smith:** The CNE and the Science Centre too.

**Hon. Mr. Welch:** We just don't ask that particular question. Because of the fact that such a high percentage of the people of this province happen to be supporters of this government, it would be logical that indeed that would reflect itself in this respect.

**Mr. T. P. Reid:** It is 38 per cent.

**Mr. S. Smith:** One per cent of your appointees aren't.

**Hon. Mr. Welch:** The other matter to which I would like to draw the attention of

the House, before we call this question, is to remind the members of the statement my colleague, the Minister of Culture and Recreation, made earlier today in the Legislature, copies of which were distributed prior to it being read.

**Mr. Nixon:** Don't remind us of that.

**Mrs. Campbell:** No, they weren't.

**Hon. Mr. Baetz:** Yes, they were.

**Hon. Mr. Welch:** In that my colleague makes some reference to the plans because these were called into question by the Leader of the Opposition as to whether or not there were any plans or some timetable with respect to the expansion and the renovation program—

**Mr. S. Smith:** I asked that three weeks ago.

**Hon. Mr. Welch:** —I would draw attention to the statement made by my colleague earlier today, which will now be recorded in Hansard, where he goes on to make certain points about the museum's expansion and renovation program.

He says in the course of that statement: "The basic feature of the policy is that work should proceed in three distinct phases and that work on any one of these phases will not begin until all the money for that phase is either in hand or committed. This policy enabled the museum to start building the curatorial centre at an estimated cost of \$25.6 million in April 1978. The cost of the curatorial centre has been covered by a \$12.75 million grant from the government of Ontario; \$6.7 million raised to date from voluntary donations," which I think is a credit to the people of this province and some indication of their interest and their support of this great institution, "and a matching \$6.7 million" from those who are involved in that great two-weekly game called Wintario.

**Mr. T. P. Reid:** A game? Is that what it is?

**Hon. Mr. Welch:** The statement said: Construction of the curatorial centre is the largest of the three phases and will provide the curatorial staff for the first time with their own offices and laboratory facilities. That means there will be more space for the viewing public and a place for the curators to do their work."

The important point, as he said, is that "no decision has been made on which of the next two phases, construction of the terrace galleries or renovation of the main building will proceed first." But he makes it quite clear in his statement that "it is government policy that there will be an absolute minimum of disruption" in so far as the public is concerned.



I felt compelled to remind the House of this statement, notwithstanding the fact it really doesn't speak directly to the recommendations that are here. I think it a bit unfortunate the very high tone established by the member for London Centre slipped slightly when we got into raising questions with respect to the sincerity and the sense of public responsibility of very dedicated men and women who have served on this board of trustees over the years.

**Mr. S. Smith:** No one questions their interest or sincerity—only their judgement.

Report adopted.

#### STANDING SOCIAL DEVELOPMENT COMMITTEE (concluded)

Resuming the adjourned debate on the motion for adoption of the report of the standing social development committee, dated May 25, 1979, respecting Lakeshore Psychiatric Hospital.

**Mr. Gaunt:** I just wanted to make a few brief comments with respect to this report. As chairman of the committee, I should mention that we had a good many expert witnesses come before our committee. In total, we had some 53 witnesses.

During the period of the hearings we had the administrator and the medical directors of both Queen and Lakeshore, and many of the medical staff; the Ontario Public Service Employees Union made a presentation; we had people from inside the ministry, including the minister himself; we had people in the community in the surrounding area serviced by Lakeshore and beyond, and we had the Ontario fire marshal. In short, we had a host of expert witnesses who came before the committee and offered their views. Some of these views were in conflict, but at least the committee got the benefit of their opinion.

In the end the committee could not come to a complete consensus with respect to its report. As one will see in the standing orders, the Conservative members indicated they felt the closing of Lakeshore was justified, in that the services offered there could adequately be offered at Queen Street.

I suppose the most controversial part of the whole report was the matter having to do with the inpatients in Lakeshore. It was on that point, as well as a number of other points, where the committee did suffer some disagreement.

In terms of the various party positions, I am sure they will be adequately put in the course of the discussion tonight. But in short, in terms of the inpatients, the Conservative

Party felt the inpatients could be moved from Lakeshore to Queen and that their care would not suffer in that new facility. The Liberal Party felt they could be moved, provided certain conditions were met. Two of these conditions were that the transfer be accomplished in a well-planned fashion and that the state of the transfer be indicated to the committee when the minister had a final plan for doing so, and that the minister report back to the committee no later than November 30 this year.

As far as the New Democratic Party was concerned, their position was unequivocal from the outset. They opposed the closing of Lakeshore Hospital. They expressed a concern on a number of occasions having to do with the employees and the impact the closing would have on the employees. The dissenting opinion, therefore, of the New Democratic Party is listed in the report and goes on for several pages.

In terms of setting the stage for the debate, Mr. Speaker, I want to say we did have a good hearing. I think it was a good process in terms of finding out the facts and getting all of the information which the committee found to be very helpful in its deliberations. At this time I want to pay tribute to all of the witnesses who appeared before the committee and who co-operated so fully.

**Mr. Lawlor:** Mr. Speaker, that was fairly set out as to the positions taken by the various people on the matter. Let me say fairly objectively, I trust, that the McKinsey report was the nub upon which everything turned. Here was a major report, made in a scientific way and at arm's length by the government, as to what the disposition of these psychiatric hospitals is and should be as things stand.

McKinsey was perfectly cognizant of Queen Street, of its capacity or lack of capacity and what that capacity was. It had surveyed that. Certain witnesses before the committee tried to knock McKinsey down somewhat by saying it was not an overall system survey of the mental health needs in all its dimensions in the metropolitan area and in the province itself. To a point that is true.

Nevertheless, with respect to the very hospitals involved, in which McKinsey did an in-depth analysis, it came down squarely in the proposition that these three hospitals—Queen Street, Lakeshore and Whitby—were critically necessary into the unresolved future in this regard.

Even in the face of that, on what still seems to me to be one ground, the ground



of capitalization—on money—the government saw fit to jettison that out of hand without consultation and quite unilaterally, and with bad advice given to the minister, I may say, by his subordinate staff.

Pace to you, Mr. Jappy. And Tom Campbell, I hope we do not meet again in the paths of Glencoe; my ancestors were Macdonalds, and you may have undone us a little bit on that particular occasion. The strong positions being taken internally there strike me as very questionable indeed.

The McKinsey report said this hospital was a vital, ongoing necessity. He surveyed, as was brought forward in the sixth chapter, pages three and four, what the Queen Street situation was. The basic position is stated thus: "Our analysis indicates that of 284 additional beds that are theoretically available, about 125 to 150 could actually be made available for use." They have extended it away beyond that, using former conference rooms, dining rooms, crowding people in at every angle. Is that the way to treat mentally ill people, in a box-like and concentrated way, loading that hospital when the other one may be maintained?

During the course of the hearings, and before, I offered an alternative proposition to the minister which, with respect, was never considered and never discussed at any point in the hearing; that was a phasing concept. Why did not the ministry in its wisdom, if it were prepared to spend \$25 million on new facilities, consider dividing that sum as between Lakeshore on one hand and Whitby on the other? Why could it not set up buildings to meet immediate needs in both respects and then gradually, over the next decade, phase in new operations and new buildings?

If the ministry is right about the retrenchment and about the fact that there will not be increasing inpatient necessities—and I sincerely question it, but granting for the moment that the ministry is right—then nothing elaborate would have to be located on the grounds at Lakeshore. I have said a 150-bed hospital probably would meet the needs until about the year 1987 or 1985. There is no burden upon the capital picture of the province in that particular regard.

There was no sense of accommodation to that fairly rational proposition; no answers were made at any particular point. We weren't crying for the moon, we were just trying to be sensible about it. But the ministry was intransigent. The ministry sets down its adamant terms and won't budge.

[9:30]

I hope that Windsor proposition of the last 48 hours is not a reflection of the minister's mentality, that he stands firm in the face of all obstacles. Does he want me to launch an application to the Supreme Court of Ontario tomorrow with respect to Lakeshore in order to force his hand with respect to the proposition? He might very well, as in the Windsor situation, find himself hung up and even reversed.

Is the minister going to force all these hospitals—and every one of them is in some degree of turmoil and constriction as a result of the minister's policies—to make application to Supreme Court judges to override his mandate? It was unheard of that a judge should have to move in, in face of doctors' affidavits, in order to foreclose what is an infliction on human beings, placing in severe jeopardy—so the courts must have seen—human lives.

I don't propose to do any such thing. As a matter of fact, I am going to relent just for a moment and give the minister an ounce of credit over against a pound of punishment. The ounce of credit is that I understand in the last day or two he has agreed to keep all the outpatient facilities on the grounds; that he is retaining immediately at least 50 members of the staff who had got their notices; that he is meeting very shortly again in order to make accommodation for the other 60 people who are being laid off. In other words, he is extending some kind of clemency and sense of proportion in this particular regard. These things he should be given credit for.

As things stand, I would ask the minister to go slow with Lakeshore, very slow indeed. He is going to find—like it, lump it or blast it—that he is going to need the facility in two years. At the present time it is taking in more patients all the time; Queen Street can't accommodate them, so patients continue to enter that hospital. The minister's answer, no doubt, is that Queen Street's accommodation is not quite ready to take the load. I put it to him that Queen Street will never be ready to take that load. As the weight comes on the minister is going to have to accommodate.

Let the minister keep those buildings ready; he will have to use them. But, again, I am gratified to have the outpatient facilities there which will keep that volunteer staff occupied to some great degree. It is not what it should be, but it is a small concession and one doesn't look gift horses in the teeth any more, because the teeth are usually bad.

The hearings themselves went on for four weeks. I listed about 25 pieces of major



testimony. I don't want to derogate from anybody's testimony, but some came from people the minister called in to bolster the defence. May I put it, Mr. Speaker, that overwhelmingly they said—I would say 22 of the 25—the hospital ought not to be closed, or that it should be closed only under very severe conditions which the minister doesn't hope to meet.

Overwhelmingly the evidence was the hospital ought not to be closed. I don't think this is an unfair statement. It came down through the psychiatric establishment in this city, and people from the Minister of Health's (Mr. Timbrell) own hospital. Their strongest evidence, and it was bloody weak by the time the day ended, came from Ottawa. The minister sent one of his emissaries down. They were talking about how wonderfully they worked in community medicine, except we discovered they sent 250 of their difficult cases off to Brockville. This is a backup facility, precisely the role Lakeshore plays with respect to this whole catchment area.

The sensible thing, and the minister won't deny it, is if the capital funds were at all available or he was willing to make accommodation or adjustment with those capital funds, Lakeshore would not be closed and couldn't be closed. He would have followed the nostrums and the McKinsey not necessarily with respect to the full expenditure that was involved, but with respect to the retention of the facilities themselves at least for the indefinite future. The new catchment areas in order to pick up the slack at Queen Street, would have been designed and put into motion, et cetera.

The two different complexes of mental hospitals that are involved here have quite different approaches to the mentally ill. Lakeshore has a far more informal, accommodating, almost gentle way of dealing with patients, over against the more rigorous, perhaps, as they tout themselves, the more highly professional one which is tied in with the university, et cetera, concerned with research, and concerned with aggravated forms of mental illness upon which teaching facilities arise. They are quite different in their tenor and structure.

It is not even today too late for the minister to back up, retrench, modify, and even change his mind. I doubt if he is prepared to do that. I think he feels his own personal prestige and whole role as a minister is at stake. Nothing would more enhance his position, his designs to be Premier perhaps, in any event the role he plays as a cabinet minister, a man of stature, a man of generosity and vision, than to back up. Some of

the inpatients may have to be transferred, but I suggest he retain a substantial number of those people there as this situation is tested out.

I won't inveigh against the Liberals tonight. I was deeply disappointed at the time. The member for Renfrew North (Mr. Conway) made a marvellous—as my friend puts it—Churchillian oration. You should have heard him. I've seldom heard a better speech in this House, but of course, it was in committee. It was a ringing thing. To be honest, the honourable member never committed himself to excluding, except there were certain sentences in there which led to no other conclusion.

I wish, secondly, he hadn't consulted with his leader quite so often. He is sitting in his office like some eminence grise co-ordinating events out there, manipulating for maximum political effect, masquerading the position by setting up opportunistic and qualifying clauses all over the place so we didn't know where the blazes they stood at the end, nor do we really tonight know where they stand. I have seldom seen such a piece of legerdemain performed, but that may be the style. If it is, I think it's self-defeating, politically and otherwise.

Before I sit down I want to make a special appeal to the minister. The child and adolescent care unit of that hospital is in an invidious position, caught between two stools—I use the word in all its implications—between the minister's department and the other. The funds are being taken away from both directions, and they're caught in the middle.

I think the date of their appearance before us was May 9. In the Hansard of May 9 they set forth their whole position and the crunch they find themselves in—which I'm sure the minister doesn't wish them to be in. He would have to speak to the Minister of Community and Social Services (Mr. Norton) about how to straighten that out. They happen to be the victims, out on the periphery of the whole thing. If the minister would give some attention to that I would be very pleased.

Finally, I want to say to the minister, he was dead wrong about the fire. I think he's a little chastened about that, at least I trust he is. As a matter of fact, I think out of the fire of the hearings he might have emerged a somewhat more humble man—not humiliated; that's just the opposite—humble, in face of the decisions he will have to make and the quality of the feed-in to those particular decisions.

I want to say a word to the union. They were splendid. Without them we wouldn't



have been able to carry on. On two occasions they supplied major briefs; made their appearances and gave us the best—and I think all members of the committee would agree—objective background about the whole thing.

Finally, I want to remind the minister there were over 30,000 petitions submitted to him in the course of the hearings—30,000. They come from the whole area, including the area of the member for Mississauga South (Mr. Kennedy), up through Etobicoke. That is not to be easily discounted.

**Mr. Acting Chairman:** Mr. Lawlor moves that the motion for adoption of the report of the standing social development committee, dated May 25, 1979, regarding Lakeshore Psychiatric Hospital be amended by striking out the words "be adopted" and substituting therefor the following words: "be recommitted to the said committee for reconsideration."

**Mr. Lawlor:** If I may speak a word on that particular point. "Your lordship" will notice that in the report submitted by this committee we were forced to do an end run. The basic propositions are set out, the public ownership aspect. Then, when we come to what I consider the central issue—that is, the inpatient transfers—the party split in three directions. I really don't know if that's according to Hoyle, according to the way in which the orders are read. I'm using the clerk's argument against my own drafting, at the moment.

It remains indefinite, undefined. The crunch point is obscured. There is no central resolution. It is suggested in the Liberal amendment to that "that the committee re-examine and discuss the whole matter no later than November 30 of this year." That's fine. I should be delighted to discuss it again.

On the basis of the evidence we heard from all quarters, including the Mental Health Association, I wish that certain facilities, including housing, nurses' care in homes, a dozen outpatient facilities, et cetera, to which people are going to be relegated, were all in place and this is what was called for. And that's what we're looking forward for them to do. But none of that is resolved, nor did we go into any great definition as to what precisely these facilities might be.

I would think that the committee should reconvene and give this a more thorough scouting, and try to set up better definitions for the minister, guidelines for what should follow. It needs, God knows, to be led by the hand here and there.

[9:45]

The committee performed journeyman's services in this particular regard. We're quite

prepared to go on. Therefore, in the light of the indefiniteness in this report and the inconclusive nature of the crucial part of it with respect to inpatients, I would think this House should very well consider sending the committee back, possibly in the summertime, but in any event, in order to give further consideration to this whole issue, so some greater sense can be brought in and the minister be far more informed than he is at present.

**Mr. Acting Speaker:** Mr. Lawlor's amendment will be voted upon on termination of the debate.

**Mr. Kennedy:** Mr. Speaker, I was pleased, following our consideration of this issue before the committee, that it had been referred to the committee. It certainly gave those members a very good insight into the whole situation.

**Mr. McClellan:** It was something of a shocker too.

**Mr. Kennedy:** We had an excellent group of witnesses and interested parties who came before us and, in some respects, it's too bad that all members of the Legislative Assembly weren't able to be a part of those hearings.

**Mr. McClellan:** It's too bad the minister wasn't there.

**Mr. Kennedy:** The nature of committees being what they are, this is the way these things are done.

I do share with the member for Lakeshore that our chairman, the member for Huron-Bruce, set out very succinctly the conclusions and the way we operated.

I can't share the thought with the member for Lakeshore with respect to his motion that the inpatient situation was inconclusive. This was one which indeed was conclusive, as members will see from the report. There was a division. The Liberals shared the same views as the Conservatives that the inpatient phaseout take place. The NDP opposed that, although over the course of the discussions there was the suggestion by the member for Lakeshore, if I recall correctly, and I do recall correctly, that if this was necessary there be a very, very careful phaseout of the facilities at Lakeshore.

Change isn't easy—

**Mr. McClellan:** This was disruptive change.

**Mr. Kennedy:** —and I know the members listened very carefully to the briefs presented and the opinions expressed. A conclusion was reached and I see no point whatever in referring the report back to the committee for further consideration.



I wanted to make a few comments to members who, as I said, weren't able to share the discussions we had.

In order to continue to deliver the high quality health-care services that Ontario has enjoyed, we have to adopt and respond to the need for change. I couldn't agree more that planning and co-ordination is needed in this very sensitive and important operation of transferring patients from the accommodation they've grown used to to Queen Street, to Hamilton and perhaps later to Whitby—who knows?

**Mr. McClellan:** Yes, who does know? That's precisely the question. Who does know?

**Mr. Kennedy:** From discussion with Dr. Fisher, I understand the movement so far has gone very smoothly and the patients are quite settled into their new accommodation at Queen Street.

**Mr. Philip:** Irrelevant. They're also contributing to the revenue of the TTC.

**Mr. Kennedy:** We need inpatient services as part of the component for the total health-care system, but the field of psychiatry, as we heard, has advanced beyond the days of custodial institutional care in favour of community programs and outpatient services.

**Mr. Philip:** What do you mean by services?

**Mr. Kennedy:** Over the past 15 years, the number of admissions to psychiatric facilities has increased but the number of beds actually required has decreased significantly. This reinforces the continuing trend towards treatment in the community with the resulting decrease in inpatient admissions.

In line with this trend, all existing community outpatient programs are to remain in the Lakeshore community with no decrease in function—in fact, expansion. This was expressed on several occasions by the minister. There is, of course, the increased funding of some \$1.3 million which will further enhance the provision of outpatient programs.

With the opening of the 216 additional beds at Queen Street, the inpatient capacity is 632 beds. There was concern expressed about the size of this, but this is the way it is constructed and it's really not out of line with other psychiatric hospitals in Ontario. London has 544 beds; Whitby has 500, which will be replaced with the same number; and Brockville has 529.

Second, it's important we keep in mind the limitations in the terms of reference of the McKinsey report. It did not include Hamilton where, indeed, we have additional accom-

modation. The McKinsey report had to be looked at in the light of these broader aspects and in the integration of the mental health care system, which involves both these units and, of course, community services.

They can be accommodated at Queen Street, but this doesn't mean the total catchment area formerly served by Lakeshore now will be served by Queen Street, Hamilton is available and Whitby is also available for some on the eastern edge of the catchment area.

**Mr. McClellan:** Maybe they have room in Montreal. Maybe there is some room in Fort Erie.

**Mr. Kennedy:** The concern about the very sensitive issue of the movement of inpatients is being looked after by this interhospital committee, which has on it the chiefs of psychiatry, the chief medical officers and representatives from the hospitals. This is proceeding, and has proceeded, very smoothly.

**Mr. McClellan:** You are ignoring all of the evidence.

**Mr. Kennedy:** We just simply wouldn't have it any other way. It is in this area where we parted company with our Liberal friends. In their part of the report, they said they didn't want further movement until there was a full report to the committee on the movement of patients. I think this really is beyond the ability of individual members, to intrude into the activities looked after, and opinions expressed, by the medical authorities. I think that is their job.

All the testimony we heard and my experience in working with the excellent group of volunteers who first brought this situation to my attention is that indeed that staff is very competent, very dedicated and very sensitive to the needs of patients. I have full confidence the medical profession, the union workers and all the employees, do work with a great sensitivity on behalf of the patients.

**Mr. McClellan:** Tell us about the one big institution, the total institution, 700 beds.

**Mr. Kennedy:** Having said this, I couldn't agree more with the need for the planning and co-ordination. From what I have heard, if it continues in this fashion, there will be very few problems in the moving of the inpatients as it takes place.

I want to say as well, I attended a union-sponsored meeting, and I join with my friend from Lakeshore in this, in paying tribute to their interest and dedication. They sponsored this meeting at the Port Credit Legion. At the meeting there was a resolution which



was presented by Mayor Hazel McCallion, which was unanimously carried. It provided that the closing of Lakeshore be suspended until planning had been completed to ensure once again that this was looked after.

I immediately addressed myself to the problems of the employees of the union, and to the other two issues raised at that meeting. One was the land, the site, be retained in public ownership. I would refer members to the Hansard for that committee of April 23, when the minister made some additional comments which responded to those concerns. One was that the site be retained in public ownership. This will be done. That was a big concern the night of that meeting.

The second was the problem of the outpatient services. This was again addressed by the minister on April 23. Indeed, it was said there would be no sharp close-out of those facilities or movement of them. There is going to be a transition which will ensure not only the retention of these services in the area, but an improved, enriched program.

I know there are others who wish to speak. Finally, Mr. Speaker, I want to add my appreciation to those who came before us and spoke frankly and forthrightly to the issues, and to the volunteers who work on behalf of the patients and, of course, to the union which presented two briefs, as the member for Lakeshore said.

As I said at the outset, I am sure in the overall health picture, we resist change. It is a 90-year-old facility. Those inpatients are going to be carefully moved. The outpatient services will be expanded and I am sure we can achieve this to the overall betterment of this aspect of health care in Ontario.

**Mr. Blundy:** Mr. Speaker, I am very pleased to speak in this debate on the report of the committee that looked into the Lakeshore Psychiatric Hospital closing. I want you to know, Mr. Speaker, it was a very thorough investigation of the proposal to close Lakeshore.

I really was impressed with the people who came before that committee. We had psychiatrists, other doctors, many professional people, volunteers in the community, and neighbours in the community, who came and brought us their views.

[10:00]

There were at times many conflicting views given on the particular question we were concerned with and on which we had to make a decision. But I do want to say that the people who did come before the committee were most helpful and the staff at

Lakeshore, in my opinion, were very responsive and dedicated people, people who could really be called people-caring people. They really gave me that impression.

After hearing many delegations the members of the committee had the opportunity of going to the site of the Lakeshore hospital, to those very, very beautiful grounds on the lakeshore, to look at the buildings, which were admittedly old buildings but which to my surprise were very clean and well kept inside. They were very well kept for buildings of their age.

Then of course we went to the other end of the spectrum and went to the Queen Street property where the new Queen Street hospital is located. I will tell you, Mr. Speaker, I was pleasantly surprised with what I saw at Queen Street. I had been given to believe by many of the people who appeared before the committee that the Queen Street Mental Health Centre was a hospital that was going to be completely inadequate to take care of the inpatients currently at Lakeshore. The place is most spacious. I have no doubt in my mind that the Queen Street institution will more than adequately handle the needs of the inpatients of this area who are mentally ill.

Another thing that we learned of course was that 25 or 30 years ago a mentally ill person was committed to a psychiatric hospital and almost always stayed there, perhaps for life. Many never did come out. Now that is not the sort of psychiatric treatment that is given in today's world. As I understand it from the people who came to speak before the committee, there are many, many ways of treating many, many different kinds of mental condition.

So now the situation is reversed from what it was 25 or 30 years ago. We now have very few inpatients in the hospital in bed, but we are having more and more patients come for treatment of a great many different kinds of mental illnesses.

The problem with the whole exercise was this. This was just typical of the Ministry of Health and this Minister of Health, who sits down with a little group of his colleagues and decides what is the best for the people of Ontario. Regardless of the views being expressed by the people in the community which is to be served, things are put forth by the ministry such as the closing of beds or, as the minister has stated, "We're not closing beds, we're just giving them another name." Go on out and ask the people in the small communities of Ontario whether he is



closing beds or whether he is just giving them another name.

**Mr. Bradley:** They'll tell you.

**Mr. Blundy:** They'll give you the answer, "We don't know what he is doing with the beds, but we can't get anybody into the beds in the hospital on many occasions when it is necessary."

**Mr. Bradley:** Left them lying in the hallways.

**Mr. Blundy:** Let them lie in emergency all day; let them have to wait six or seven weeks for elective surgery, but we're not closing beds; that's what the minister says, so that's what we have to take for his consideration.

Now, here in the case of the Lakeshore hospital, knowing full well that psychiatric treatment has changed over the years and that the input now is to programs in the community, bringing the people from the community into the institution for short periods of treatment and then returning them to the community again, the minister said that they were going to save \$2.6 million in this fiscal year by closing Lakeshore hospital. He said that he would use \$1.3 million of that money, as well as other funds that had been earmarked, for community alternatives. But as long as the committee was sitting, we saw very very little evidence of what was being done in the community. As one member of the committee, I was convinced in my own mind that I saw no problem whatsoever with moving the in-bed patients in Lakeshore to Queen Street, but the problem was that we had absolutely no guarantee, and to this day have no guarantee, that the services in the community that are serving the people of Etobicoke and all that catchment area are now sufficiently planned or are in place.

As far as I can say, my position at the time of the hearings of this committee was that I would vote against closing Lakeshore and I would vote against moving those in-bed patients to Queen Street until such time as I didn't just have to take the word of the minister that it is going to be done, but saw in the community actual development to provide the community alternatives of which so many people spoke.

There are many things that are hatched out of the nucleus of Lakeshore in the community. There is the child and adolescent care unit, of which so many people spoke so highly. They are in a building. The day that we visited them, they said: "We don't know where we are going to go from here. No

place has been arranged for us. No alternate building in the community has been found that is satisfactory." We were really crushing the aims and the hopes of those people in that child and adolescent care unit. There is the alcoholic treatment unit which is a wonderful facility for that area of the greater Metropolitan Toronto area which is going to be missed very greatly, if it is not set up before Lakeshore is closed.

The retention of the lands in the public domain is wonderful because it is a beautiful site and, whatever the use may be in the future, it must be done. It may be that there would be further psychiatric hospital accommodation placed there. I do not know. One thing that was sure for those who sat and listened to the experts as well as to the volunteers and to the interested people in the community, they had a great regard for Lakeshore and they gave us to understand that because the Lakeshore hospital was there there was going to be help for their people in the community in a variety of ways.

I know that there are other people who wish to speak in this debate and I am going to close now, but I would like to make just two points. The matter of psychiatry and the treatment of the mentally ill are altogether different than they were when Lakeshore was built. We have to have much more contact with the patient in the community and in that way we must have facilities for them in the community. Thus far, we haven't seen them.

Secondly, I believe that the Ministry of Health made a unilateral decision in this matter and wanted to rush into this situation. By having the hearings on the closure of Lakeshore, I believe we have prevented that from happening to a great extent. I personally will vote for a position that the in-bed patients at Lakeshore be not moved to Queen Street until it has been clearly demonstrated to us all that the alternatives that are needed in that catchment area are there or are immediately planned for.

**Mr. R. F. Johnston:** I rise to speak about our committee. It was the first committee I sat on in the Legislature. It was some initiation. It was useful to me because I have had some experience in the community health field and I thought I could play a useful role with our other caucus members. I found the exercise interesting—and I began to think of it as an exercise at the end, rather than something that would come up with a useful conclusion.

The chairman, I thought, chaired very freely and on occasion even allowed us to



badger witnesses in order to get extra information from them. I was myself guilty of leading witnesses on occasion.

I was particularly impressed by the participation of the other members of my caucus, the members for Lakeshore (Mr. Lawlor), Bellwoods (Mr. McClellan) and Parkdale (Mr. Duksza). I thought they all brought particular expertise to the testimony that was helpful in drawing out the most from the various witnesses.

I think the McKinsey report that came before us and the bulk of the witnesses who appeared before us all led us to inevitable conclusions. The inevitable conclusion is that the hospital should not be closed—at least not until we know what the impact would be on the community.

To me—and I guess it is just learning how partisan politics works—it defied all logical thought that we could come up with a conclusion other than the one we did. I was disappointed with the Tory participation in the committee meetings; I thought a number of Liberals participated well, but I thought the rationale at the end, on the basis that the hospital should only be moved if certain criteria in moving patients could be met, was specious and that we already had seen some patients being moved, we knew the methodology, and we could easily have had that tabled with us. I am afraid that in the political battle in which we were involved in the last days of that committee we may have jeopardized the health of a number of people in this province who should not be affected by our antics.

I would like to proceed by condemning the government for a lack of planning; destruction of a very respected institution for no real reason except money; lack of knowledge about community resources and how they fit into the network of community health needs; the overcrowding of Queen Street, making it unnecessarily large and jeopardizing, as I said, the health of individuals in this community.

I would like, if I could, to get on the record a number of people who spoke before us.

There is a personal indictment I would like to register with the minister, because I think it is with him that the responsibility lies for the lack of planning and the causing of this sort of fait accompli that we are presented with. He ignored the McKinsey report and we have already had that alluded to—how comprehensive a document that was. He told our committee the only other document he had looked at was a set of building improvements for fire and safety which had

been provided to him. From that point on, he played catch-up politics, responding to emergency situations as they came along, and tried to maintain his argument throughout.

I think a good argument as to how this decision was actually a Treasury decision and not a Health decision, is the fact that Whitby Psychiatric Hospital is going to be built exactly on the basis that was designed by McKinsey. If the minister can accept McKinsey for one side, I don't see why he can't accept it for the other, and I think that came out well in testimony.

**Mr. Wildman:** It had something to do with the partisan makeup of the riding.

[10:15]

**Mr. R. F. Johnston:** It is possible. It could also be said that the minister at least misconstrued—I would not say misled us—but at least the talk about Lakeshore as a firetrap soon was discounted by all on all sides. But, unfortunately, that idea was implanted in the minds of the media. That is why they did not cover us through our hearings and hear the testimony that came forward. That is why they are not here tonight to understand why this decision is wrong. People felt this was an old set of buildings that should be torn down.

I would like to register that Mr. McMullen, the administrator, said the fire and safety conditions were second to none. Mr. Taylor of the Etobicoke fire department and Mr. Bateman of the Ontario fire marshal's office both said it is a safe building. Those are sources the minister did not even go to before he made his statements, which I think caused a lot of uncertainty and concern around the community of Lakeshore.

Even as late as the last day he appeared before us, the minister made the argument that he had asked for the destruction of 13 buildings in Whitby which were in similar condition. Those buildings had not been occupied in years; there was no similarity at all. No one would disagree that those buildings on the Whitby site should have gone down.

I would also like to register that Mr. Anderson of the Southeastern Services at Queen Street indicated there were four fires at Queen Street during the same period that there happened to be one arsonist at Lakeshore.

I think it can now be seen that the minister went overboard in trying to prove his case when he asserted that Dr. Maharaj of the alcoholics unit said it would be fine to break off his detoxification centre from his alcoholics unit. That is something he definitely did not do, and he registered with our committee that he did not agree with that.



It came to us after the fact, after we were told there would be no layoffs, that there were people in the behaviour modification group who were being laid off—something that supposedly the ministry people did not know; an after-the-fact kind of thing.

The child and adolescent group came before our committee and said, "We are caught in a squeeze here"—the squeeze members have heard about already. The next day the ministries suddenly had a meeting with this group which had not been consulted beforehand. Catchup politics.

The Queen Street medical advisory committee sent an open letter, complaining they were not being properly consulted. The same day we had our meeting—the first day they could possibly convene a meeting—they were pulled into the ministry's office and talked to. They came before us in a very chastened and very different form than their letter had indicated.

The dialysis group was going to go to Whitby; it was going to stay onsite at Lakeshore. Goodness knows where it is going to be now. It depended what suited the day.

Hamilton beds were never raised in the initial statement. All of a sudden, to make it easier to fit the bed situation into Queen Street, Hamilton was brought up as having 100 beds available. We also found, in talking to the director of Hamilton, that we could discount that.

The minister also obviously had no idea about the real bed availability at Queen Street. He was coming in with total numbers of beds and was not talking to us in terms of the specifics, such as the fact that there are four towers; that some of those buildings—in fact, this geriatric group was already overcrowded when the first movement of patients was made. Even Don Anderson of South-eastern Services, another witness, said they should not have more than 30 to 34 geriatric people on those wards, and they were having 50.

At the end the minister had nerve enough to blame his ministry. On May 15 he said he was disappointed with the internal communication lines. He turned on them, saying they were doing this catchup politics, when in fact the responsibility lay with the minister.

I would like to say that the loss of Lakeshore as an inpatient facility is important. It is a fulcrum for psychiatric services in Lakeshore. Fifty per cent of the patients lived within a five-mile radius. Lakeshore had the highest inpatient-outpatient ratio of any institution in the province. The need for inpatient backup was listed by Dr. Maharaj,

Dr. Bond and Dr. Olson. Continuity of care is the ideal form for mental health care.

I was going to try to list a number of things in community programming to do with the lack of funds put forward, the minuscule amount that the \$1.3 million in community services' extra money would provide. There is \$156 million going into health and psychiatric institutions in this province, and even with this \$1.3 million, only between \$5 million and \$10 million is going into community care programs. Every witness who came before us told us that would be as expensive, not less expensive, than maintaining people in institutions.

We also knew that there was an 85 per cent occupancy rate now with moving these people into that hospital, 85 per cent being considered full capacity; and it is in the largest growth area in the province.

I would just like to conclude by commenting on the statements by Mr. Richardson, a government witness, so there will be time for at least one other person to speak to this. What we have is a ministry of casualties, a ministry of sickness, rather than a ministry of health. By allowing this to go forward with a lack of planning and a lack of real community involvement, or a 5-to-10-year program of moving things from institutions to community programs as suggested by two witnesses we have jeopardized health care in this province.

One witness even said that the blood of those people would be on our hands. I think it is only reasonable that we should turn back to that committee, and hopefully to a wider committee, before any changes are made, for a full discussion of what is involved in deinstitutionalization.

Mr. Speaker, I support our amendment and say I feel we have only broken the surface of the problems in this whole mental-health field.

**Mr. Jones:** Mr. Speaker, as I rise tonight to join the debate on the closure of the Lakeshore Psychiatric Hospital I couldn't help but follow some of the comments that incline towards discussion of the physical nature of the premises. I think that is critical to the debate.

I visited the premises, as did other members of the committee; but I visited with a lot of attention to the physical aspect, sensing as I did that we had to make a comparison between the Lakeshore and the new facilities, as have been mentioned in the debate, that were available and had the vacancies to the required extent.

What I discovered in this visit bore out what reporters had said. One notably, an



Etobicoke writer, said he found that Lakeshore was dingy, depressing and antiquated. I was struck with the same impression as we looked it over. Indeed, it was very foreboding.

I noted that the member for Lakeshore set about his business in the debate earlier by pointing out that the minister was astray in his comments about the premises being a firetrap. The last speaker made the same comment. In fact, he called into question comments by the minister. As I remember the testimony given to us in the committee by the fire marshal, it was very clear that while he put aside some of the arguments about fire starting in some of the areas, and clarified for us the physical structure of the building, parts of which were built as far back as 1877, he nevertheless did point out rather clearly—

**Mr. Lawlor:** He also said this was a firetrap. You're standing in a firetrap.

**Mr. Jones:** To the member for Lakeshore, he also pointed out how many floors were condemned and closed for lack of access. If, when we are talking in the context of the safety of the patients, lack of access is not one of the key concerns I don't know what is, where the life and limb of these patients is concerned.

As we heard the testimony, and as we read the reports, we were mindful that there were immediate recommendations of some \$2.5 million being needed to be spent, and, ultimately, something in the neighbourhood—depending on which report—of \$22 million to \$50 million; the range was that broad. Again, we had to look at the comparison with the other premises that had vacant beds and we had the situation of premises that were very new, very bright and cheerful, known as the Queen Street facility, where there were swimming pools—a bright cheerful facility conducive to patients making their recovery.

The other comment I can't help making as I look at this, Mr. Speaker, is that the Lakeshore premises had all kinds of other problems that struck you on your visit. They had the tunnels that one visited; where the maintenance people, in fact the superintendent of maintenance, talked of the kind of repairs they had tried to effect. You saw the roof leaking, the paint falling; and certainly a lay person or anybody could clearly see the alternative between the two premises.

It is true, as my colleague the member for Mississauga South (Mr. Kennedy) pointed out, that we heard a lot of emphasis on the need for premises and the change to smaller, community-based facilities; the minister

made all the appropriate comments and commitments in that direction. So when we hear in the debate tonight the proposal by the member for Lakeshore that we should maintain the premises, as has again been stated in the debate for chronic-care patients, I can't help thinking of those people I saw huddled on those beds in that very dingy, indeed very dark and very depressing premises that the member tonight stands and proposes should remain open. At the same time he puts out his concern about how these people were unsettled and disturbed as they were moved from Lakeshore to the premises on Queen Street.

**Mr. Lawlor:** What a government apologist you are.

**Mr. Jones:** How is this consistent with the member's concern, when those premises were so very clearly in such a situation?

**Mr. Lawlor:** The place is disintegrating right before our eyes. It's got another 20 years.

**Mr. Jones:** As a matter of fact, I remember the director of nursing came before us, Miss Latimer. What did she say when we talked about the comparison? She said, rather clearly: "That's like comparing the Royal York Hotel to the YMCA." Does the member recall those comments?

**Mr. Lawlor:** That's the one witness you have who wasn't a psychiatrist. That was the nursing consultant.

**Mr. Jones:** Indeed, that was her comment.

**Mr. Suttis,** who was head of the maintenance, talked about the 40 per cent that had to be spent on maintenance.

**Mr. M. Davidson:** You're supposed to be a bright light; now you look like a dull bulb.

Interjections.

**Mr. Speaker:** Order.

**Mr. Lawlor:** What a great lawyer you are; you pick the only piece of evidence you've got.

**Mr. Jones:** No, no; if time permitted, we have pages of evidence that is pretty clear.

Interjections.

**Mr. Speaker:** Order. There isn't anything any more basic in this chamber than that everybody have an opportunity to be heard.

**Mr. Turner:** Members opposite never could stand the truth.

**Mr. Jones:** I would just like to conclude by saying that when the member for Lakeshore comments about other shreds of evi-



dence that go to the argument for the closing of this facility, we have to look at the Ontario Hydro comment; we do indeed have to look at the McKinsey report on the kind of dollars that would have to be invested in it; and we have also to look at the fact that this other brand spanking new facility was there, spreading out and spawning into the community, as it is doing, with the commitments of the minister to bring about an advance, of not only the \$1.3 million but the other kinds of studies that have to take place to accommodate this transition to a new kind of care.

**Mr. McClellan:** You learned nothing in a month of hearings.

On motion by Mr. Foulds, the previous question was put.

The House divided on Mr. Lawlor's amendment to the motion that the committee's report be received and adopted, which was agreed to on the following vote:

## AYES

Blundy, Bradley, Breaugh, Breithaupt, Bryden, Campbell, Charlton, Cooke, Cunningham, Davidson, M., Davison, M. N., Di Santo, Eakins, Epp, Foulds, Gaunt, Grande, Hall, Johnston, R. F., Lawlor, Lupusella,

MacDonald, Makarchuk, Mancini, McClellan, McGuigan, McKessock, Miller, G.I., Newman, B., Nixon, O'Neil, Peterson, Philip, Reid, T. P., Renwick, Roy, Ruston, Smith, S., Sweeney, Warner, Wildman, Worton, Young, Ziemba.

## NAYS

Baetz, Belanger, Brunelle, Drea, Gregory, Havrot, Hennessy, Hodgson, Johnson, J., Jones, Kennedy, McCague, Newman, W., Parrott, Rowe, Snow, Taylor, G., Timbrell, Turner, Villeneuve, Welch.

Ayes 44; nays 21.

Reordered for standing social development committee.

The House adjourned at 10:42 p.m.



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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**

Tuesday, June 5, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

TUESDAY, JUNE 5, 1979

The House met at 2:03 p.m.

Prayers.

## ORAL QUESTIONS

### POLYTECHNIC EDUCATION

**Mr. S. Smith:** I will ask a question of the Minister of Education, Mr. Speaker.

Can the minister explain why it would appear that her ministry is not yet aware of and prepared for the trend among Ontario young people to seek places in community colleges and polytechnic programs rather than in universities?

Can she explain the statement by Mr. Williams, the chairman of the council of regents of community colleges, who was somewhat surprised by the fact that 90,000 people are applying for only 40,000 first-year places in the community colleges and that that is a trend identified only within the last month?

Does the minister not realize that the young people of this province for some time now have been indicating they want both a general education and a specific industry-oriented education such as can be provided by community colleges and polytechnic programs? Why is her ministry still surprised by this trend and unable to act in accordance with it?

**Hon. Miss Stephenson:** Mr. Speaker, there is no surprise at all in terms of the requirements of the young people of Ontario for various kinds of post-secondary education. In fact it was as a result of this presaging capacity that the community college system was established in this province more than 15 years ago.

The popularity of the community colleges was relatively stable for a period of time but within the last three years has been growing steadily. We have been very much aware of the growth and have assisted the community colleges in finding alternative places to provide greater space for the community college students and for the applicants.

We are aware that this year there were about 140,000 applications for places within the community colleges. As a result of using the computer system which has been developed and which weeds out multiple appli-

cations, the number of qualified applicants for community college places will probably be somewhere in the region of 55,000 rather than 90,000, as the original figure was stated to be.

We are assisting the community colleges right now in finding extra space. This is one of the reasons that community colleges have been interested in such buildings as the Toronto Ontario Teacher Education College. We are trying to help them to provide extra places for the students who have made the decision that they wish that kind of technological education, and we shall continue to do so.

**Mr. S. Smith:** Given that 10,000 or 15,000 young people are going to be refused entrance, and given the fact that universities have declining enrolments and financial difficulties, why does the ministry not have in place now in Ontario a myriad of programs of the polytechnic type, bringing together the universities with the community colleges in their respective areas and using the present facilities, plus industrial equipment and so on that may be made available by industry, to provide across Ontario the polytechnic-like programs that Ryerson gives here in Toronto and to meet the needs of our young people and our industries?

Why does the ministry not fund Ryerson properly, and why does it not fund polytechnic programs generally, combining both the universities and the community colleges into proper polytechnic programs, instead of letting the universities limp along the way they do at present and leaving students shut out of the community college system?

**Hon. Miss Stephenson:** There was a specific allocation to community colleges this year, recognizing the increased enrolment they are experiencing. That will blossom even further next year and in the year following that.

I would like to let the Leader of the Opposition know that there is an increase in applications to universities in this province this year as well. Whether that bears fruit in September is something we shall wait to see, but the young people of this province are becoming very much aware of the need for education and/or training in their post-



secondary lives and they are obviously making applications to ensure that happens.

We do have a system of polytechnic education throughout Ontario; it is not confined to Ryerson, as the Leader of the Opposition knows. In fact, it is carried out in many of the community colleges within this province right across the province, and it is excellent polytechnic education.

The funding of Ryerson at the present time is on the basis of a formula which Ryerson requested and which was agreed to in 1974. In January 1979, Ryerson's president, Dr. Pitman, asked me to consider a modification of its funding formula. That was the question he raised. I suggested to him I would be very happy to look at that and to consider it seriously if he would provide me with the presentation which Ryerson would develop to support its application. I am informed by Dr. Pitman now that I shall have that information by the end of June or early July, at which time it will be examined both by the Ontario Council on University Affairs and by the minister.

**Mr. Cassidy:** A supplementary question, Mr. Speaker: Since the minister mentions the specific allocation of money to community colleges to compensate them for their increases in enrolment relative to the universities, can she explain why that money was promised in 1977 but not paid then, promised in 1978 but not paid then, and why only a portion of the total amount promised for this year is being paid in 1979-80?

**Hon. Miss Stephenson:** Mr. Speaker, I will try to find out whether indeed there was a promise in 1977 and 1978 that was not carried out.

**Mr. Cassidy:** There certainly was.

**Hon. Miss Stephenson:** I am not aware of that, but I shall explore that and report to the House. In fact, a significant portion of it was delivered for the 1979-80 year.

**Mr. Sweeney:** A supplementary question, Mr. Speaker: When a community college like Conestoga, in Kitchener, has clearly identified skills needs and has set up the program within its own institution, is there any intent on the government's part to provide any extra funding so that the large number of students—in this case, the metalworkers—who want to move into that program will be able to do so?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding from discussions with the president of Conestoga that they are moving vigorously forward with the program which they have suggested is required in their area, with the strong support of the council of

regents and with the strong support of the ministry.

At this point in time there has not been a specific request for additional funding. However, knowing the problems which some of the community colleges are facing right at the moment, we are looking very carefully at their needs to determine if there is some way in which we can be of greater assistance.

**Mr. Cooke:** A supplementary question, Mr. Speaker: Would the minister not agree that the present method of funding, whereby a community college or university gets rewarded for its students only after it already has the students, inhibits or slows down the university's or the community college's ability to react to the needs of the community? Why does she not change that method of funding so that community colleges can react immediately to community needs rather than having to wait three or four years, as the system now provides?

**Hon. Miss Stephenson:** Mr. Speaker, that is not entirely correct. They do not wait for three or four years. Indeed, there is a response on the basis of the annual report of the college in terms of enrolment. But it is not only affected by the enrolment within the institution.

The slip-year funding program which has been established shields the institutions from the tremendous variations in funding which might occur as a result of changes in enrolment. We are trying very diligently to ensure that the appropriate level of funding is provided on the one hand to universities and on the other hand to community colleges.

[2:15]

**Mrs. Campbell:** Exactly.

**Hon. Miss Stephenson:** In addition to that, I think we have to consider very seriously the kind of support which is necessary for a skills training program which will have a base neither in community colleges nor universities. This is the area of post-secondary education on which I believe we really should be concentrating.

**Mr. S. Smith:** It is joint programs you should be funding.

#### LEARNING-DISABLED CHILDREN

**Mr. S. Smith:** I have another question of the Minister of Education. Can the minister tell us when she will be keeping the promise she made in December 1978, that during the spring session she would be bringing forward amendments to the Education Act to require the local school boards to provide services for those children with learning disabilities?



In particular, can she tell us whether she will be able to provide for the spotting of these children with learning disabilities as well as for the particular needs in the treatment and the educational remediation of these particular problems? Why have we not seen the amendments by now and when can we expect them?

**Hon. Miss Stephenson:** The early identification program will be instituted by the boards beginning in September 1979, as the result of a memorandum which was delivered to the boards in January. We have total unanimity on the part of school trustees and teachers alike that the early identification program is the important first stage in development of the kind of program which I had proposed.

I can't give the Leader of the Opposition an exact date at this time. I do not know whether it is going to be possible to introduce this before the end of this session or not. Having sent out the proposed legislation and having asked for the responses, I believe most of the responses are now in. The specific concerns which were expressed by school boards, by the teachers' federation, by parents, by the Association for Children with Learning Disabilities and by the Association for the Mentally Retarded are being collated in order to ensure that whatever we produce for this House will take all of those into consideration.

**Mr. S. Smith:** By way of supplementary, the minister must surely be aware that once a child is spotted as possibly having a learning disability it is then necessary to do certain medical and psychological tests to properly analyse the nature of the disability. Is she aware that in the private sector such tests are going at approximately \$350 per child?

Under the circumstances, will the minister assure that when through the spotting of these children a recognition of these problems occurs in the school system, every school system will have available to it a backup facility of psychologists, doctors and others who are expert in this field, to make sure that whatever further analysis of the child's problem will be required will either be available under OHIP, which it presently is not, or at some other local facility funded by her ministry or some other ministry? What good is recognition without the proper backup facilities?

**Mr. Laughren:** The Liberals would cut educational spending too.

**Hon. Miss Stephenson:** The sensitivity to problems which young children will probably have within the learning period are fairly well obvious to teachers who have been specifically and conscientiously trained in examining the potential of young children on entering the school system.

I would agree with the Leader of the Opposition that it is absolutely essential in those cases where further investigation is necessary that there be available the kind of consultative assessment program which we have established and which we are expanding at the Hospital for Sick Children, which will be duplicated in Ottawa, and hopefully, will then be duplicated when we know how well it functions and where it should be throughout the rest of the province. That is not going to happen overnight, but it is one of the specific concerns we have in order to ensure that—

**Mr. Warner:** No, not overnight; the kids will be on the old age pension by the time the government finishes.

**Hon. Miss Stephenson:** —the appropriate assessment is made of those who require further consultation and that the appropriate kind of consultative services are available to the school system, not necessarily within the school system but available to the school system in order to provide the appropriate program.

**Ms. Gigantes:** Mr. Speaker, I'd like to ask the minister, since she is considering the provision of backup facilities, is she also considering the provision of backup money for the boards of education which are taking on this new responsibility? How much is she going to be telling them they will have and when will they have the programs they are being asked to bring into effect?

**Hon. Miss Stephenson:** I'm sure we'll be telling the boards exactly what the circumstances and conditions are as soon as the information is introduced in the Legislature.

**Mr. Warner:** No money.

**Mr. di Santo:** When will that be?

**Mr. Warner:** That's the answer: no money.

**Mr. Stong:** Supplementary: Will the minister guarantee the school boards which seek to implement facilities and programs for children with learning disabilities the continuation of funding for those programs once they have been initiated?

**Hon. Miss Stephenson:** The kind of guarantee which the honourable member is requesting is one which may, in fact, be possible, but on the other hand may not be possible in terms of the circumstances which prevail within the economy of the province of Ontario.

**Mr. Makarchuk:** That's quite a guarantee isn't it?

**Hon. Miss Stephenson:** When the economy of the province of Ontario is buoyant, I'm sure we can assure the school boards that in-



deed this will happen. This is why we are working so diligently to attempt to improve the economic base of this province, because without a good, sound and buoyant economic base—

**Mr. Bradley:** Is that “yes” or “no?”

**Mr. Breithaupt:** On the backs of children.

**Hon. Miss Stephenson:** —there is no revenue available for any kind of social service program.

**Mr. Warner:** You're one of Frank Miller's henchmen.

**Mr. Foulds:** Is the minister telling us she is not going to bring in special legislation that will make it mandatory? Is she telling us she is going to wait for the general legislative grants to be announced; and is she telling us she is not going to announce the grants until she brings in the legislation, or that she is not going to bring in the legislation until she announces the grants? Could she clarify that?

**Mr. Breithaupt:** It's called being concerned.

**Hon. Miss Stephenson:** The answers to those three questions are no, no and no.

**Mr. Foulds:** So you are not going to do anything, are you?

**Mr. Sweeney:** Supplementary, Mr. Speaker.

**Mr. Speaker:** We have had five questions on this subject.

### VISITORS

**Mr. Speaker:** Before I recognize the member for Ottawa Centre, I'd like to draw to the attention of all honourable members some distinguished visitors in our gallery in the persons of Dr. Helen Graves, assistant professor of political science at the University of Michigan, Acting Chancellor Klein of the University of Michigan, and Vice-Chancellor Arden, all from Dearborn. They are here in connection with the parliamentary internship program. A good many of the interns are sitting under the Speaker's gallery. All of them are associated with one member or another of this assembly. We are awfully pleased to have them as visitors in our gallery today.

### FREE TRADE POLICY

**Mr. Cassidy:** Mr. Speaker, perhaps this question is appropriate in view of our guests from Michigan. I have a question for the Treasurer about the pressing economic issue of free trade as it affects Ontario. In view of the fact we seem to be drifting into free trade with the United States, I would like to ask the Treasurer what the government's

position is on free trade with the United States.

**Hon. F. S. Miller:** Mr. Speaker, I'm sure the honourable member knows who negotiates on behalf of Canada in those matters.

**Mr. Breithaupt:** Robert de Cotret.

**Mr. Bradley:** Your friends in Ottawa.

**Hon. F. S. Miller:** Mr. Jake Warren, representing the federal government, has been very busy in Geneva.

**Mr. Roy:** He doesn't represent anybody, he lost the election.

**Hon. F. S. Miller:** He's a civil servant. He can't lose. Within the next short while, within the next week I believe, we will see the full details of the GATT agreement. I understand during those negotiations the United States and Canada carried on a number of discussions vis-à-vis their very large exchange of products and we will probably have one of the lowest overall barriers to mutual trade in the free world, with many Canadian products and many US products entering totally free.

We have been consulted by the federal government in this process. Our biggest concern has been to protect those Canadian—and particularly the Ontario—manufacturers who could be affected by a move to lower tariffs or no tariffs.

**An hon. member:** What about the farmers?

**Mr. Cassidy:** Supplementary: In view of the fact the farm machinery sector has had free trade for 30 years and we have a very heavy deficit in our trade with the United States in that sector; and in view of the fact the machinery comes into this country tariff-free for the most part and we have a deficit of more than \$3 billion in that sector; and in view of the fact we have a multi-billion dollar deficit and one that is worsening in auto parts, where there was also free trade with the United States; can the minister say what are the advantages for Ontario of this drift towards free trade as far as our trade policy is concerned; and what is this government prepared to do about it?

**Hon. F. S. Miller:** Again, Mr. Speaker, our route is to advise the federal government on those matters, and we do that. I would point out to the member that in the automobile industry to which he just referred, while we do have a deficit of about \$1.2 billion in total in the overall exchange of parts and assembled vehicles—I think that is roughly it; a \$3 billion deficit in parts, a \$2 billion surplus in assembled vehicles, if my recollection is correct—if one goes back to pre-1965 days where



there were very real protective barriers, I think the member will find we have improved our position rather than making it worse. That is on a percentage basis, not on a dollar basis.

**Mr. Laughren:** I would like to remind the Treasurer the deteriorating merchandising trade deficit in the first four months of 1979 is an indication that our trade is already too much oriented to the United States. As well, as our leader indicated, where there have been free trade pacts the results have been disastrous in terms of balance of trade.

Would the Treasurer share with us, which he has failed to do despite two requests from my leader, his views on free trade with the United States? Further, does he not agree when the GATT negotiations are complete and we have 80 per cent of our trade duty free with the United States and 90 per cent with five per cent duty or less, that this really does constitute free trade with the United States? Would the Treasurer tell us what his views are on free trade with the United States?

**Hon. F. S. Miller:** Mr. Speaker, I have concerns about free trade with anyone in a nation like ours, but I have to tell members that if one attended the GATT negotiations one would realize the negotiations going on there were going to be applied to the nations in any event. Our big problem will be to adjust to the new rules.

Currently, the latest figure I saw showed the Canadian manufacturing industry running at 89 per cent of capacity at this point. That is virtually full capacity when one allows for plants on strike or for certain weak sectors. One of the great things that is happening is that we are seeing in Canada this year a tremendous decision-making process towards new plant investment. A good deal of that, aided by the kinds of grants we are currently giving, is aimed at export markets and import replacement. We can be satisfied the current effect of the low Canadian dollar and our increased productivity is finally being felt in the manufacturing and export sector.

**Mr. Cassidy:** Supplementary: Can the minister explain just how he thinks this policy is being so successful, when in fact in the first quarter of this year our trade surplus shrank from \$1.25 billion in 1978 to \$426 million this year? If the minister's policy continues, does that mean we are going to go into ever-increasing deficits in our merchandise trades with the United States or other countries; and what policies does the government have in mind in order to ensure that we start to

get adequate trade surpluses, rather than shrinking surpluses as is happening right now?

**Mr. S. Smith:** They are going to drive down the dollar.

**Mr. Bradley:** All part of the same gang.

**Hon. F. S. Miller:** Driving down the dollar will not necessarily help. I think the dollar currently is at a level which is perhaps a shade below its true value, but, I would say the advantages of that relatively low level are just being felt. I have to tell the member I have reason to believe, first of all, it takes some time to get a new plant in place. He would agree with that. I also have reason to believe the kinds of missions the Ministry of Industry and Tourism has had abroad lately have really increased our export performance.

By coincidence just last week, while attending an unrelated function, I talked to representatives of one small company located near Toronto. They told me they more or less reluctantly went along on the MIT European mission. On the very first visit they increased their export sales by roughly six per cent of their total Canadian sales, in one trip. That was a very important addition; they now recognize the size of the European market and they are adjusting themselves to compete for it.

[2:30]

## NEW PLANNING BILL

**Mr. Cassidy:** I missed the Minister of Education who seems to have left. I'd like to ask a question of the Minister of Housing. Is he aware of the concern of municipalities across Ontario with the government's proposal to remove from municipalities their power to have architectural control in the proposed Bill 96? Can the minister explain why the government is taking that step and will he undertake to restore that power and give back to the municipalities the autonomy they are now losing?

**Mr. S. Smith:** It is on the Order Paper.

**Hon. Mr. Bennett:** This particular bill is listed on the Order Paper for discussion this afternoon. It will be the first item after the question period and that's when the matter would be most appropriately introduced.

**Mr. Cassidy:** Supplementary: Can the minister say what consultation took place with municipal representatives concerning Bill 96? Very considerable concern, we understand, has been expressed from as many as 35 municipalities across the province? Specifically, can he explain why it is that when we talked to them, the municipalities of London, Thunder Bay, Ottawa, Hamilton,



Toronto, Sudbury, Stoney Creek and Windsor were all opposed to the deletion of this particular power from the new bill and were very concerned at the fact their views had not been considered, nor had they been adequately consulted?

**Hon. Mr. Bennett:** I will be delighted to respond to that under the item following the question period.

**Mr. Breithaupt:** On a point of order, Mr. Speaker, might I direct your attention to rule 19(d)(5), which states that "a member shall be called to order by the Speaker if he anticipates any matter already on the Order Paper or Notice Paper for consideration." The item being discussed by the leader of the third party is not only on the Order Paper, but it also happens to be on the Notice Paper for discussion today.

**Mr. Foulds:** On that point of order, Mr. Speaker, may I draw your attention to the fact that rule comes under rules of debate. Question period, as you have repeatedly informed us, is not debate but question period.

**Mr. Speaker:** We have had numerous occasions here in the past where questions have been permitted on things that would be considered of urgent public importance during question period but would not be allowed during the normal course of debate. The honourable minister has indicated he's not prepared to answer any further questions in this regard since there is an ample opportunity to do it after routine proceedings this afternoon.

**Mr. Cassidy:** I have a supplementary, Mr. Speaker.

**Mr. Speaker:** I have given you the initial question and I have given you an opportunity to ask a supplementary. On both occasions, the honourable minister has indicated that he doesn't have anything further to add. You will have an opportunity during the second reading of the bill this afternoon. Anything further than that would be counter-productive.

**Mr. Cassidy:** I can't question him then. He should withdraw the bill and do some proper consultation.

#### VANDALISM

**Mr. Stong:** In the absence of the Attorney General and the Solicitor General (Mr. McMurtry), the Premier (Mr. Davis) and the Provincial Secretary for Justice (Mr. Welch), I have a question for the Minister of Industry and Tourism (Mr. Grossman), who I assume is the House leader this afternoon.

**Hon. Mr. Grossman:** The Attorney General is just outside. In preference to asking me a question, I can get him for the honourable member if he wants. It's his choice.

**Mr. Roy:** Tell him to come in.

**Mr. Stong:** My question is of the Attorney General specifically. Perhaps someone else can answer it.

**Mr. Conway:** Get him away from that disco journalism—

Interjections.

**Mr. Speaker:** Order. I think the honourable member should ask a question of a minister who is present in the House.

**Mr. Nixon:** The assistant acting House leader.

**Mr. Stong:** In light of the rising incidence of vandalism, particularly in our urban centres, what specific steps is this government taking to curb this blight on our society?

**Hon. Mr. Grossman:** I'm sorry I missed the first part of the question, which on this one occasion was an important part.

**Mr. Stong:** In light of the rising incidence of vandalism in our urban centres, what is the government specifically doing to curb that offence?

**Hon. Mr. Grossman:** I know my friend and colleague the Attorney General would be doing a great deal about that problem.

**Mr. Bradley:** Don't you attend cabinet meetings?

**Hon. Mr. Grossman:** I suspect he will be here within moments. I'll go out and get him if he's not, but I know he's just outside the door. Perhaps the honourable member would hold that question for a moment or two.

**Mr. Stong:** Supplementary.

**Mr. Speaker:** Is the minister prepared to answer a supplementary?

**Hon. Mr. Grossman:** Let's hear it and see. I don't know.

**Mr. Stong:** I wonder if, when the minister is speaking to the Attorney General, he would investigate with him the feasibility of making it more economical for school boards to hire security guards, even if it means employing the incentive of increasing dramatically the deductible portion of insurance policies? Would he also investigate and encourage provincial judges in our juvenile system to apply more frequently the remedies available under section 33 of the Juvenile Delinquents Act, which would require parents or guardians of those judged to be juvenile delinquents to pay the cost of damages incurred by those delinquents?



**Hon. Mr. Grossman:** Yes, I would be pleased to canvass those alternatives with the Attorney General, because I know he is very concerned about the very question the member has raised. I will take it up with him, perhaps within a half hour.

#### FOREIGN INVESTMENT

**Mr. Laughren:** I have a question for the Minister of Industry and Tourism. We in this party have been simply awestruck with the use of the words "carefully considered foreign investment," in replies to our questions about this government's open-door policy on foreign ownership. I will wait for the minister to take his seat, Mr. Speaker.

**Mr. Bradley:** He is going to get his Santa Claus suit.

**Mr. Laughren:** This is very strange behaviour on the part of the minister, I must say.

**Mr. Roy:** He's a very strange minister.

**Mr. Laughren:** I will remain in my seat while he answers. I will put it to the minister again. We have been simply awestruck by the use of the words "carefully considered foreign investment" in reply to our questions to the minister about the government's open-door policy on foreign ownership in Ontario and in the rest of Canada. How can the minister explain that foreign investment is carefully considered by his government when 92 per cent of all applications considered by the Foreign Investment Review Agency were approved in the first four months of 1979 and when the government's assessment memo, which we obtained from his ministry, is nothing more than a check list of criteria?

When the minister was in Japan on his recent trip, did he take a look at the rather extensive set of guidelines produced in 1977 for multinationals operating in that country, which, among other things, prevents suppression of small enterprises, prevents stifling the efforts of Japanese industries to develop their own technology, prevents closure of plants or mass dismissals and requires a contribution to the improvement of Japan's balance of payments? When will this government bring in a similar set of tough guidelines which must be followed by any foreign firm which is allowed the privilege of operating in Ontario?

**Hon. Mr. Grossman:** I would point out to the honourable member that there are very many firms operating in this province right now, very many multinationals, in ridings represented on all sides of this House, which, in fact, would not meet all of those criteria the member has set out. What we try to do in developing a policy is, quite frankly, to

maintain the flexibility to extract those undertakings that we might be able to extract, in conjunction with FIRA, from some firms that are coming here.

I would much prefer to see employment created by a multinational which is given certain undertakings and is able thereby to create some long-term jobs for this country, rather than to have any sort of hard and fast rules which say multinationals are (a), not allowed in this country; or (b), only allowed under such severe and restrictive conditions that Babcock and Wilcox will not go into Cambridge.

That is our flexible approach and, quite frankly we don't apologize for having that flexible approach. We believe that flexible approach makes it possible to get a high degree of investment into this country, which we badly need, and a large number of jobs, many more than would be created if we followed the proposals that the member outlined.

**Mr. Laughren:** Supplementary to that outrageous answer: Has the minister taken a good look at that form, which is the criteria check list, and does he not think it's really a dishonest representation of having any criteria at all, since it's obvious that any applicant who wanted to apply to FIRA could meet all those criteria in the short run? It wouldn't be hard to do that at all—for example, the criteria to create more jobs or the criteria to increase the use of Ontario materials and components. Is the minister not aware that in the long run, foreign ownership has precisely the opposite effect of the criteria they might very well meet in the short run? Does he know that multinationals, over the number of years they have been here have, in fact, been costing us jobs and have been costing us an enormous amount in terms of dividend payments and business payments that go elsewhere and create an enormous trade deficit for the province of Ontario, indeed for all of Canada? Will the minister explain, finally, why there is no time factor at all in the criteria which must be met by these firms that apply to the Foreign Investment Review Agency and which this government invariably approves?

**Hon. Mr. Grossman:** The honourable member suggests it creates a large trade deficit and, in fact, a net loss of jobs. I have to tell him any suggestion that allowing multinationals to invest in this country loses jobs for this country is, with respect, foolishness. The member should look behind himself, beside himself and look over here, and he will see many of us representing ridings in which there are not only a lot of jobs created by



multinationals, but a lot of jobs which have been there for a heck of a long time.

**Mr. Wildman:** What about secondary manufacturing?

**Hon. Mr. Grossman:** There is an alternative to allowing multinationals into this country, with much of the technology which they do bring in this country.

**Mr. S. Smith:** You could get it under licence.

**Hon. Mr. Grossman:** The Leader of the Opposition suggests we could get it under licence.

**Mr. Speaker:** Order. That was not a part of the supplementary.

**Hon. Mr. Grossman:** Right. I am sorry, Mr. Speaker.

I would say to the honourable member who asked that question that the clear policy of this government is to say there are a heck of a lot of jobs created by multinationals. Very many of those jobs, if you will analyse them, are long-term jobs. They have been in communities for many years.

Westinghouse, in Hamilton, is an obvious one that comes to mind. While they are currently reducing the number of jobs, or talking about reducing the number of jobs, the fact is enormous wealth has flowed to that community because Westinghouse has been there—for what, 40 or 50 years?

**Mr. S. Smith:** That is a great example.

**Hon. Mr. Grossman:** Untold wealth and employment were created in that community, which frankly I would rather have in that community than not have in that community.

**Mr. Laughren:** Look at the jobs they cost us on balance.

**Mr. Cassidy:** We could do better ourselves.

**Hon. Mr. Grossman:** Any bald policy that would simply say, "You are not welcome here," or, "You can't come in here" would cost thousands and thousands of jobs. We are not prepared to see those jobs go away, simply so the members opposite might be able to wrap themselves in a flag and boast of their nationalism. That is foolishness. The thousands of people who are working for multinationals, happily and with secure homes and families because of their incomes, would frown upon their policy, and they know it very well.

**Mr. S. Smith:** Is the minister unaware of the fact the foreign ownership of our economy leads to a chronic drain in the balance of payments, leads to a non-research and development-oriented economy, a non-export-

oriented economy? Is he not aware at this stage of the game that the only thing foreign people can bring to this country in terms of opening branches here is capital and technology? Doesn't he know we have the capital in our own country, if he would only give our people a chance to get out of this colonial mentality that makes us dependent upon the rest of the world? Doesn't he know we have the technology; and where we don't have it we could get it under licence and then become expert in that technology and compete with those very multinationals which right now own this economy?

**Hon. Mr. Grossman:** I want to recover from that outrage.

**Mr. S. Smith:** That is what it is, it is an outrage.

**Hon. Mr. Grossman:** To us, you're an outrage.

Interjections.

**Mr. Speaker:** Order. The honourable the Minister of Industry and Tourism.

**Hon. Mr. Grossman:** I would point out to the Leader of the Opposition, and I know he knows this very well, that when he talks about all that capital suddenly being available, I suggest to him if we approached all the multinationals in this country and said, "Would you mind selling all your capital investments?" well—

**Mr. S. Smith:** That is not what we are suggesting.

**Mr. Speaker:** Order. Do you want an answer to the question, or not?

**Mr. S. Smith:** Yes, but not a distorted one. [2:45]

**Mr. Speaker:** Do him the courtesy of allowing him to respond then.

**Hon. Mr. Grossman:** He doesn't want an answer; he wants to be outraged.

Interjections.

**Hon. Mr. Grossman:** The point of the exercise, of course, is that the member's seat mate, for example, is very concerned about retaining those jobs at Budd in Kitchener.

**Mr. Eakins:** Let's be careful, now, what we say about working with multinationals.

**Hon. Mr. Grossman:** Why doesn't the member listen to the answer?

He isn't saying to us, and can't say to us, that all we have to do is to trot around and we will find some Canadians who can bring the technology to this country that Budd brought to this country. He isn't able to do that. Nor is my colleague, the member for Simcoe Centre (Mr. G. Taylor), able to suggest that Canadians would have developed



the truck axle assemblies that Hayes Dana is putting into Barrie with our assistance, for which we have no apologies.

If the Leader of the Opposition wants to go out to the people of this province and tell them it's very simple, all we have to do is close the doors to all that investment. I would point out, and I'm sure members have read the Toronto Star today, that some senior people from New York state were in this province encouraging our businessmen to invest in their state because they want investment in their state. They offered incentives and encouragement, and pointed out how important it is for them to encourage this type of investment to keep their state strong and their people working.

**Mr. S. Smith:** They are not 70 per cent owned outside the country.

**Hon. Mr. Grossman:** His outrage aside, the Leader of the Opposition would stand up and feign that outrage, but for once with some justification, if we lost employment out of this province; if we wrapped ourselves in the flag, as he wants us to do, and suggested we would rather have a pure system of only Canadians, with lots of unemployment.

**Mr. S. Smith:** I have faith in this country.

**Hon. Mr. Grossman:** He would stand up and say, "How dare you let this happen? Why don't you let that technology come to this country?"

The Leader of the Opposition knows very well one of the reasons Westinghouse has been able to stay in his riding all these years is that they have had the benefit of a heck of a lot of technology. He and his friends at any university couldn't have developed that technology without that great company working and developing it for his people to have employment.

**Mr. Mackenzie:** And where are they going now?

**Mr. S. Smith:** What confidence you have in Ontario.

#### EMPLOYMENT DEVELOPMENT FUND GRANTS

**Mr. Peterson:** A new question to the minister who announces the giveaways, Mr. Speaker:

In response to a question from my colleague from St. Catharines last week, the Minister of Industry and Tourism indicated he had told TRW ahead of the budget they would be getting some government allocation, even though the minister changed the fund from which that money was taken. Could the minister tell this House how many companies

received an indication from him, prior to the budget, they would get some kind of grant, giveaway, or whatever he gives away; and how many of those will be taken out of the Employment Development Fund?

**Hon. Mr. Grossman:** One other.

**Mr. Peterson:** Supplementary: When is the minister going to table in this House the documents for the companies to which he has given grants?

**Hon. Mr. Grossman:** Very shortly; as indicated last week, we are doing two things. We are looking, with the lawyers, at the extent of the documentation we might be able to make available. I am confident it will be the sum and substance of them. The undertakings we have; the enforceability clauses out of the contracts, they will be no problem. We are working with them on a standard form contract, which I know members might like to have if we can develop one that will work for all companies.

We are also talking to the companies with whom we have already entered into contracts, the four of which members are aware, in an attempt to work out with them just how much of that information we can make available, since that wasn't known to them when they signed the contracts. It shouldn't be too much longer.

**Mr. Conway:** Supplementary: Could the minister indicate the other company? And what was the exact nature of this prebudget commitment he offered to these two companies? Which was the second company, and what was the exact nature of the commitment the minister entered into?

**Hon. Mr. Grossman:** Negotiations with the second company should be completed in about a week or a week and half. Prior to that time, as in the case with all other applicants to the fund, I can't disclose the name of the company.

**Mr. S. Smith:** You can leak the budget to them but you can't leak their names to us.

**Hon. Mr. Grossman:** Suffice to say that the undertaking we gave them followed almost exactly the framework of the telex I read in the House the other day. It was the same format exactly.

#### TUITION FEES

**Mr. Cooke:** Mr. Speaker, a question to the Minister of Education: She was widely quoted in the press, from her presentation to the Ontario Federation of Students last weekend, that she felt public opinion was in favour of increasing tuition fees. I would like to ask her if she would table any public opinion



polls her ministry has taken to indicate the public is in favour of increased tuition fees. Secondly, I would like to ask her if she is going to increase tuition fees or set tuition fees based on public opinion or based on a strategy to increase accessibility for low-income families in this province.

**Hon. Miss Stephenson:** The information regarding the opinion of the public in terms of the relationship which tuition fees should play to the total cost of education is, I think, available. If it is not I shall make sure that it is available to the members of the House.

I think the honourable member knows the answer to the second question without even asking it. The report which was initiated by my predecessor has been delivered, it has been tabled, it is public. It has been distributed to all groups with any concern at all about post-secondary education and the relationship of tuition fees to post-secondary education. Their responses are almost all in at the present time. They are being collated and they will be going to the Ontario Council on University Affairs and the Council of Regents for Colleges of Applied Arts and Technology for their comments. Then they will be coming back to the ministry because it is on the basis of all of the information we shall have collected that we shall make the decision related to tuition fees.

**Mr. Cooke:** I should like to remind the minister that the P. S. Ross study has absolutely nothing to do with accessibility. In fact, they only mention it just once in their report.

**Mr. Speaker:** Question.

**Mr. Cooke:** I would like to ask the minister what research to study the problem of accessibility her ministry is conducting or what research is being carried on in the province that she is partially funding or aware of. Will she promise the Legislature that no increases in tuition will take place in this province until adequate research is done to find out why children from low-income families do not attend institutions of post-secondary education in this province? Does she not think that it would be a logical approach to find out and develop a strategy before increasing tuition fees strictly based on budgetary considerations?

**Hon. Miss Stephenson:** The information we have at the present time would indicate that in those jurisdictions in which there is a very low or no tuition fee the numbers of students from the lower economic bracket is smaller than it is in the province of Ontario where the student assistance program has been re-

designed specifically to assist students from that group within the economic structure of our province.

Information is being developed. I cannot tabulate for the honourable member specific research papers at this time, but I shall make sure that that background information is available to him, if and when we bring in a recommendation in this area.

## FRENCH LANGUAGE EDUCATION

**Mr. Roy:** I have a question to the Minister of Education.

Given that the green paper published for the Ottawa-Carleton school problems back in February 1979 was an attempt to let the local bodies arrive at a consensus, why did the minister reject the one recommendation on which there was unanimity, that is, for a regional, homogeneous, French-language school board, when in fact that would be the one unanimous point among, not only all the school boards, but the city council and all the leaders and newspapers, et cetera, in the Ottawa-Carleton area? Why did she reject that?

**Hon. Miss Stephenson:** We felt we had addressed reasonably well the specific concerns expressed in the Mayo report in the alternatives which were proposed in the green paper. To say there was total unanimity on the part of all groups within Ottawa I think would be probably not correct, since I am aware that there are many groups not in support of that recommendation. Certainly, from the information which has been delivered to me from citizens' groups, rate-payers' associations and others, there has been some concern expressed about this.

What we are attempting to do is find the most appropriate way to meet the concerns of the francophone parents and the francophone students within that area in order to ensure that there is the appropriate kind of supervision of their educational program by francophone individuals.

**Mr. Roy:** A supplementary question, Mr. Speaker: Apart from the opposition by some of the minister's colleagues to this French-language school board, is she going to reject again the recommendations of the Ottawa and Carleton Boards of Education—and she probably has their reports now; they were to be in by June 1—which are going to be suggesting to her the creation of a French-language school board in the Ottawa-Carleton area? Is she going to do that again?

**Hon. Miss Stephenson:** Mr. Speaker, it would be very difficult for me to predict anything of that sort, since at this point I have



only a verbal report of the contents of the Ottawa board's recommendations, and I do not think the Carleton board's recommendation has been drafted as yet.

**Mr. Cassidy:** A supplementary question, **Mr. Speaker:** Is the minister prepared to change her and the government's opposition to the creation of a French-language school board in Ottawa, given the fact that in response to her green paper the school boards in the area have reiterated their original position, which is that they want the creation of the French-language board?

**Hon. Miss Stephenson:** Mr. Speaker, if and when I receive the responses from the two school boards, I will be very happy to speak to the honourable member's question.

**Mr. Roy:** Mr. Speaker, may I have a supplementary on this?

**Mr. Speaker:** You have had two already.

#### SCHOOL CONSTRUCTION

**Mr. Duksza:** Mr. Speaker, a question of the Minister of Education regarding the building of Brother Edmund Rice school in my riding: In view of the fact that 300 students in this school are now in 14 portables and the Metropolitan Separate School Board of Toronto considers the building of this school the top priority, why has the minister now reversed her original position unilaterally and postponed the building of this school until 1982?

**Hon. Miss Stephenson:** Mr. Speaker, I am very sorry; I think I gathered the gist of the question but I am not at all sure I heard the question in its entirety. I gather it is about Brother Edmund Rice school. If it is, I shall attempt to gather the information and respond to the honourable member when I have done so.

**Mr. Duksza:** The minister made a decision only a couple of weeks ago that the building of the school will not be allowed to proceed until 1982 in spite of the original commitment of the ministry and in spite of the recommendation by the Metropolitan Separate School Board of Toronto. She should know about her own decisions and not tell me she is going to gather the information later on, while there is a need right now to do it.

**Hon. Miss Stephenson:** But I can't hear what the member is saying.

**Mr. Duksza:** And she should not keep complaining that she does not understand me. She does not understand much, anyway.

**Hon. Miss Stephenson:** If there was a deferment in terms of the permission to pro-

ceed with a building program, it was based upon the recommendation of the Metropolitan Separate School Board and upon the requirement that our first obligation is to provide places for those pupils who do not have any places at the moment. That is our first priority this year, and that is the priority we are attempting to fulfil.

**Mr. Duksza:** Mr. Speaker, there are 14 portables. I am trying to give the information to the minister on that point.

**Mr. Speaker:** I heard you quite distinctly. That was a part of your original question. I understand the minister has undertaken to get a more complete answer.

#### ASSISTANCE TO SMALL BUSINESS

**Mr. Eakins:** Mr. Speaker, a question to the Treasurer: In his 1979 budget press release he explained the kind of businesses in which a small business development corporation may invest and he said they will have a maximum of 100 employees. I take it that this is his government's definition of a small business. Would the Treasurer explain briefly the definition of small business?

**Hon. F. S. Miller:** Mr. Speaker, we chose the definition on the basis of the number of employees for eligibility for entrance. The member is quite right: We said mining, tourism, manufacturing and processing are the eligible categories, and that Ontario, Canadian-owned businesses of less than 100 employees qualify.

**Mr. Eakins:** Since the definition of Prime Minister Charles Joseph Clark is the same definition as used in my private member's bill for a small business act for Ontario, would I be correct in presuming that the minister will be using the same definition as his federal counterpart and his friends in Ottawa?

[3:00]

**Hon. F. S. Miller:** That was Charles who? I will have to do a little reading and check.

We defined two or three categories. For example, 75 per cent of the payroll must be in Ontario. We chose that number as a matter of convenience. If the member was present the night of the small business development corporations discussion, he will recall there were some arguments as to whether 100 was a wise choice or not.

**Mr. Eakins:** What is the minister's guess?

**Hon. F. S. Miller:** For the purposes of this act we chose 100 employees as the most convenient measure of the size of the business. If that proves to be a poor definition, we are



able to change it with the support of this House.

### OHC TENANTS' INCOMES

**Mr. Bounsall:** I have a question of the Minister of Housing. Would the minister inform this House of the plans being formulated within Ontario Housing Corporation regarding additional boarding charges for children of families living in OHC housing? Specifically, is it the case that OHC is planning to abolish the present system whereby a child pays an additional \$75 per month if they're working, as assessed by the OHC, and in its place is considering charging them at the full rate of 25 per cent of that child's income irrespective of the family situation?

**Hon. Mr. Bennett:** Mr. Speaker, as I have reported to this House on previous occasions, the whole rent-geared-to-income factor and the way of determining income is under review, not only within my ministry but within Central Mortgage and Housing Corporation, in relationship to the agreement we have with Central Mortgage and Housing Corporation and, indeed, the municipality in the cost-sharing program related to rent-geared-to-income.

**Mr. Bounsall:** A supplementary: If the minister is replying it is still under discussion and he is still formulating plans, why are some of the housing authorities, Windsor Housing Authority being one of them, demanding that at lease renewal time all of the income of the children of those families be verified and notarized before the new lease will be signed, even if whatever new plan is contemplated is not yet in effect?

**Hon. Mr. Bennett:** Mr. Speaker, I don't know the exact information of which the member speaks. I shall be delighted to look into the situation. Obviously, what the Windsor Housing Authority is doing is trying to determine the full incomes within their particular housing program. If some changes should be made—and I'm not saying there will be any at this particular time—then they're in a position to move in that direction.

**Mr. Speaker:** A brief supplementary, the member for Windsor-Walkerville.

**Mr. B. Newman:** May I ask the minister if it is the policy of his ministry to require tenants in Ontario housing to indicate to the rental officer any jewellery or other valuables they possess?

**Hon. Mr. Bennett:** No, Mr. Speaker, that has not been our direction, but we have asked for any income holdings the individuals

within public housing might have. If that should be savings bonds or other interest drawn from savings accounts, that must be accounted for in the income qualifying factor.

**Mr. Bolan:** Why don't you take the gold out of their teeth?

### RADIATION FROM X-RAYS

**Hon. Mr. Timbrell:** Mr. Speaker, several weeks ago—and I'm sorry I can't recall the exact date—the honourable the Leader of the Opposition asked me about the question of exposure in chiropractic X-rays. I've some numbers I'd like to provide to him. These, I'm told, are three of the more common views, as it were, that are taken.

They compare the average exposure in a chiropractor's office, based on the 78 most recent inspections of chiropractic offices, with those in hospitals based on the 195 most recent hospital facility inspections.

There are two types of lumbar spine X-rays used. The first one is referred to as lumbar spine AP. The average for this in a chiropractor's office is 0.78 rems; in a hospital it is 0.70.

The second type of lumbar spine view is known as the lateral view. In a chiropractor's office, it is 2.2 rems; and in a hospital it is 2.8 rems. I don't have the figures from a hospital for a full spine view because it's basically a chiropractic examination, but it's 0.5 rems in a chiropractic office.

### FARM WOOD LOTS

**Mr. Riddell:** I have a question of the government House leader. Seeing that this is the time of year when farm wood lots are being decimated, why is he delaying further proceedings with the Trees Act? Is it because the member for Lambton (Mr. Henderson) has told him to postpone this as long as he can because the farmers in that member's riding want to cut down the wood lots before this act is passed?

**An hon. member:** Diabolical.

**Mr. Riddell:** If that is the reason, when is the government going to accept the fact that that member's weight should be considered only as part of his structure and not as the sole decision-maker in the cabinet?

**Hon. Mr. Henderson:** Mr. Speaker, I would ask the honourable member to retract that statement. It is not the truth. The member for Lambton is the one who has asked his colleagues in cabinet to proceed with the bill. The opposition is over there.



**Mr. Riddell:** Well, get it in. What are you holding it up for?

**Hon. Miss Stephenson:** Withdraw those remarks.

**Mr. Nixon:** Don't withdraw it.

Interjections.

**Mr. Speaker:** The question was asked of the government House leader, the member for Brock. Do you have a response?

**Mrs. Campbell:** Answer the question. He's entitled to that.

**An hon. member:** Don't be so arrogant.

**Hon. Mr. Welch:** Mr. Speaker, my colleague has already anticipated my answer. I say very briefly, no, the member for Lambton has not given me any instructions with respect to that. The member for Lambton would understand that that's the legislation of the Minister for Natural Resources (Mr. Auld), and the Minister of Natural Resources hasn't indicated to me when he wants us to proceed with that particular bill.

**Mr. Cassidy:** There is a Tory in the woodpile.

**Mrs. Campbell:** Ha! Ha!

**Mr. Speaker:** The time for oral questions has expired.

**Hon. Mr. Henderson:** Mr. Speaker, I would still ask the honourable member to withdraw his statement.

**Mr. Speaker:** It wasn't a statement of fact. It was a question of a minister.

**Hon. Mr. Henderson:** You don't take it then that he directed his statement to me?

**Mr. Speaker:** No.

**Hon. Mr. Henderson:** Then it is misleading the House.

**Some hon. members:** Withdraw.

**Mrs. Campbell:** You were wrong.

#### HERITAGE LANGUAGES PROGRAM

**Mr. Speaker:** Pursuant to standing order 28, the member for Oakwood has given notice of his dissatisfaction with the answer to his question given by the Minister of Education concerning the heritage languages program. This matter will be debated at 10:30 tonight.

**Mr. Grande:** Is the minister going to be here?

**Hon. Miss Stephenson:** I have never missed a late show yet.

Interjections.

**Mr. Speaker:** Order. Could we hear the member for Downsview please?

#### INTRODUCTION OF BILLS WORKMEN'S COMPENSATION AMENDMENT ACT

**Mr. di Santo** moved first reading of Bill 120, An Act to amend the Workmen's Compensation Act.

Motion agreed to.

**Mr. di Santo:** Mr. Speaker, the purpose of the bill is to change section 22 of the act to render the certificate of a medically qualified practitioner who conducts the examination of the employee conclusive of the matter certified; furthermore, to change section 42(3) to require the board to consider the factors listed in the bill in determining the compensation payable in permanent disability cases; and, finally, to restrict the Workmen's Compensation Board in determining cases falling under section 42(5) of the act for the payment of the supplement.

#### GAS SERVICE EXTENSION ACT

**Mr. Warner** moved first reading of Bill 121, An Act respecting the Procedure for the Extension of Gas Service in Metropolitan Toronto.

Motion agreed to.

**Mr. Warner:** The purpose of this bill is to provide a means of ensuring the accountability of the Consumers' Gas Company to each neighbourhood and municipality in Metropolitan Toronto into which it proposes to extend gas service. The bill establishes a procedure for holding a neighbourhood plebiscite to determine the wishes of residents concerning the extension of gas service into their neighbourhood.

On the basis of the results of the plebiscite the municipal council having jurisdiction in the neighbourhood may, by bylaw, prohibit the extension of gas service into the community or may, in consultation with any local community association, attach terms and conditions to the extension of the gas service.

The bill prohibits the Consumers' Gas Company from commencing any construction work for the purpose of extending service into a neighbourhood for a period of six months following the giving of notice as required by the act, unless the council of the municipality approves an earlier starting date. This is the first change in 130 years to the present legislation.

#### ORDERS OF THE DAY

##### PLANNING AMENDMENT ACT

**Hon. Mr. Bennett** moved second reading of Bill 96, An Act to amend the Planning Act.



**Hon. Mr. Bennett:** This bill proposes to amend section 35(a) of the Planning Act. Section 35(a) enables municipalities to exercise what is commonly known as site-plan control. That is to require developers to provide additional site-related facilities such as access, landscaping, off-street parking et cetera, that could not normally be obtained through provisions contained in the general zoning bylaws passed under section 35 of the act.

Section 35(a) was introduced into the act by amendment in December 1973. Its introduction was in response to requests by six municipalities for similar private legislation and was based on recommendations made to the government by the Ontario Law Reform Commission. Since its introduction, more than 75 municipalities have begun using the controls in one form or another. In many of these municipalities site-plan control constitutes an essential element in their development control procedures.

The need for this amendment at this time stems primarily from a recent decision handed down by the Supreme Court of Canada. On January 23, 1979, the Supreme Court declared the city of Toronto's 35(a) bylaw applying to the core area of the city to be ultra vires. The by-law in question substantially repeated the wording of section 35(a) and the court ruled that in its view this was not a proper exercise of the power. It ruled that instead of merely listing the various facilities and matters to be regulated, provided for or prohibited, the bylaw should have specified exact standards relating to all of the matters described in section 35(a)(2).

The Supreme Court decision has caused a number of problems which require immediate attention. First, many other municipalities in Ontario have enacted 35(a) bylaws which are drafted in a manner similar to the city of Toronto's bylaw. The legality of these bylaws is also questionable and nine major municipalities have formally requested me to amend the act to clarify the situation.

Second, the city of Toronto has proceeded to enact a general bylaw which attempts to comply with the Supreme Court ruling. It is clear from this exercise that further problems will result, since it is impossible to develop standards which can take into account variations from site to site. Such bylaws will have to almost always be amended before development can take place, adding significantly both to time and cost. Bylaws themselves are very detailed and complex and administration could be very unsatisfactory.

Third, and most important, the Supreme Court decision removed the flexibility of the operation of the controls which were available previously. It was the initial intent of the Legislature to provide such flexibility when the provisions were first enacted.

In developing this amendment to the section the primary objective has been to clarify the manner in which the powers can be enacted by municipalities and to provide some discretion in the application and administration of the controls by municipalities. The main features of the amendments are to, first of all, allow municipalities to apply site-plan controls directly rather than in a zoning bylaw, as was previously the case.

[3:15]

This should overcome the drafting difficulty under which the city of Toronto bylaw was declared ultra vires, allowing municipalities to exercise discretion in applying the controls; extend the facilities to be controlled by ensuring provision of access for emergency vehicles and enabling municipalities to require lower maximum building heights than those established in the zoning bylaw as long as there is no change in density; improve municipal administrative procedures by permitting a council to delegate administration of the controls to a committee of council.

The current provisions which allow municipalities to request submission of prospective drawings and plans showing buildings, elevations and cross sections of industrial and commercial buildings and residential buildings containing 25 or more dwelling units have been deleted because it has been found that only a handful of municipalities are using this power and in these instances it seems to add unduly to the time taken for approval.

These are the main features of Bill 96. They have been discussed in general terms with representatives from the development industry, including the Canadian Institute of Public Real Estate Companies, which was the main proponent of the Supreme Court case on this matter. It has also been discussed with the city of Toronto and with the municipalities on committee. However, we understand as of recent days there are some changes of heart by the municipalities in wanting some portions of the bill to be amended.

I introduce Bill 96 for second reading and would await the comments of the opposition.

**Mr. Epp:** Mr. Speaker, as the minister has indicated, this bill arises from the fact that the city of Toronto bylaw number 419-74 was set aside by a decision of the Supreme



Court of Canada. This development control bylaw by the city of Toronto was similar to that passed by many other municipalities in this province and was according to section 35a of the Planning Act. The Supreme Court felt, as I understand it, that the Legislature had not given the municipalities such ill-defined power as was included in the Toronto bylaw.

I believe that the decision by the Supreme Court was unfortunate because it has thrown into disarray the planning procedures of municipalities of Ontario. However, because the decision was based on law, the Supreme Court obviously had no other choice but to make the ruling which it did, irrespective of the inconvenience caused to municipalities.

The problem as I see it is that the Minister of Housing has used the opportunity, through Bill 96, to delete paragraph 12 of 35a(2) of the original Planning Act. This is particularly regrettable because municipalities were not informed that this was going to be the case.

Let me just read paragraph 12 of section 35a(2) of the Planning Act. This is one of a number of clauses which interpret what municipalities can and cannot do in development control in the province. Paragraph 12 reads as follows: "Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing 25 or more dwelling units."

Municipalities have used this particular clause in the act, as well as a number of the others, in order to gain some control on building standards in the province. On average I think municipalities have done a tremendous job in this regard. I think they have been pleased with the province in having included this within the last few years so they could exercise their authority on municipal projects. What the province is now doing—and it's most irregular—is to delete this from the act without consulting municipalities specifically on that particular deletion.

The minister may say they have consulted municipalities in a general sense, but this morning I spoke to a planner of a fairly large municipality and he said he was not aware that this particular clause was being deleted and he was most upset that the minister was going this route in order to, in a sense, try to mislead municipalities or, if not misleading them, certainly trying to put something over on them.

Let me read from the *Globe and Mail* of this morning what Mr. Sewell, the mayor of the city of Toronto, has said.

According to this reporter, Mr. Sewell was very unhappy with the bill. He says that in

effect the minister has tried to sneak in this deletion. He says, "They are trying to sneak in the new law and kick out one of the significant powers we've had in the past." He is obviously referring to paragraph 12 of section 35a(2) of the Planning Act. "We're dealing with really large projects; we should have the ability to ask for plans to see what they look like."

This is asking developers to show what kind of plans they have and to be able to have some impact on the planning. As municipal representatives, people who are closest to the wishes of the public, they should have this opportunity. The minister has deleted this from the bill. What's even worse he hasn't told the municipalities he was going to do it, only that he has done it.

The article goes on: "The mayor noted that Toronto recently passed special site-development bylaws for the \$400 million College Park project (formerly T. Eaton Company Limited's College Street store) and Eaton Centre's \$150 million Phase Two. In both cases, the city exercised its right to review design features.

"If the bylaws must be changed to comply with what the province has proposed, Mr. Sewell said he doesn't think city council will pass the amendment. 'I think those projects are going to get halted, stopped,' he warned."

I don't disagree with the minister trying to expedite planning procedures. I do disagree with him when he's trying to do it in the way he has proposed. I also disagree when municipal politicians are saying the actual effect will be that projects will be held up.

About the neighbourhood aspect, I have had representations made to me regarding development-control agreements. There are two parties involved in drawing up these agreements—the municipality and the developer. There are those people in this province, particularly neighbourhood associations, who believe they also should be consulted in drawing up these development-control agreements. They feel that often there are important decisions made which relate to them, which are very close at hand, which may be in their backyard in the matter of garbage bins or whatever. They would like very much to have an opportunity to be canvassed on these matters at the juncture where these development-control agreements are drawn up.

I do hope the minister will give some consideration to this matter because citizens are having an increasing amount of influence on these decisions and obviously should have the opportunity to be directly consulted in this matter.



Later on, when this goes to committee, my party will put forth an amendment, which we will circulate very shortly, to have paragraph 12 of section 35a(2) reinstated in Bill 96. We think it's most unfortunate that it was excluded. The municipalities with which I have been in contact would dearly like to see it reinstated. Until we have a good consensus on the matter from planners across the province that they do not need it, I will be of the opinion this bill should be amended to reflect their wishes.

**Mr. Duksza:** Mr. Speaker, Bill 96, An Act to amend the Planning Act, is not merely legal and administrative tinkering to replace a section of the Planning Act which has been successfully upset by the Supreme Court decision recently in terms of Toronto bylaw 419-74. It appeared at first that the minister was simply rushing in to provide new legislation to cover at least 45 municipalities whose bylaws under section 35a have suddenly been put under a legal cloud because of the decision by the Supreme Court.

That is what it appeared to be at first. But the bill is a significant change in policy by the minister, since it removes a crucial bargaining tool—the control of architectural design—from the hands of the municipalities, thereby significantly changing the rules of the game in negotiating between major developers and municipalities over site-plan control agreements. It is that point which is most important, as already mentioned by the member for Waterloo North.

The minister has led municipal officials to believe that the bill is merely housekeeping legislation which will restore the legislative basis for section 35a bylaws and make the process more streamlined and less cumbersome. We in the New Democratic Party feel that the legal implications of the bill are the reverse, since the bill makes no provision to protect existing agreements and puts in jeopardy those under negotiation already.

It is interesting that, by this innocuous statement, the minister has moved away from some of his own often stated rhetorical positions; he said that the province must move away from the approval role to one of advising and assisting municipalities, and yet in this very bill the minister actually moves towards seriously limiting municipal autonomy and the rights of the municipalities to deal with development.

In the last couple of days, our research department and myself and my assistant, Penny Bethke, have phoned a number of municipalities. First of all, 10 days ago we sent a letter. Since the bill was suddenly rushed towards discussion here in the House,

we decided to phone everyone in the last two days—as many people as we could, I should say; planning departments and some of the aldermen in various municipalities—to discover (1) whether they have been consulted and (2) their opinion of this crucial section, paragraph 12 of 35a(2).

The paragraph, as was clearly indicated by both of our previous speakers, is one which states that—and I quote: “perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing 25 or more dwelling units” must be produced by the developers so that the municipality can make a decision in terms of whether it fits their plans, the development, the needs of the community and a number of other considerations like that.

When we have discussed this with the various elected officials in the cities of Windsor, Sudbury, Hamilton, Ottawa, London, Thunder Bay and Toronto, there has been a general reaction of, first, disbelief that the minister would consciously move towards reducing the power of municipalities and, second, strong objection to having that particular paragraph removed from the act. This was universal in all the places I have mentioned.

It is also interesting that the minister was not prepared to deal with that in the question period. He promised us in the question period he would answer the question from my leader, which I hope he will be able to deal with now, as to why it is that he had not consulted municipalities, even only for political reasons, to check whether there would be a significant objection from them to removal of paragraph 12. I find it very difficult to understand why a minister in charge of a large ministry, who with much fanfare recently introduced discussion papers on the Planning Act, would then rush to sneak in—and I use that word very consciously—to sneak in a new amendment to legislation which, in effect, will limit the right of the municipalities.

**Mr. Wildman:** We can see it when you are sneaking stuff in. We don't come in afterwards and ask about something that was sneaked in when it was passed.

**Mr. Duksza:** That is a better way of doing it, and that is why our leader was asking the question.

The minister must be aware that, in places like Toronto, removing that particular paragraph 12 will put into jeopardy, as I have said already, various negotiations going on between the developers and the municipali-



ties and, in fact, causes some problems regarding the Eaton Centre development and the development of the College and Yonge Eaton's building. Of course, if the minister would bother to contact people in the city of Toronto, he would discover that soon enough.

[3:30]

There are a number of points in the bill which need to be changed. One, the definition of the term "development" is much too vague. Two, the bill does not provide the means of exempting classes of projects from development control or means by which a council can delegate authority. Three, legal protection of existing agreements must be taken into consideration. Part of them depend on section 35a(2)(12). Finally there is the question of architectural control.

Until I heard the member for Waterloo North (Mr. Epp), I would have moved an amendment to restore paragraph 12 to the act, but I will now join him in supporting the amendment to restore it. I do want reassurance from the minister that he is willing to accept the joint amendment from the two opposition parties because unless I hear that he is willing to accept this amendment, I have no option but to vote against the bill.

**Mr. Deputy Speaker:** Before hearing any further comments on the bill, I would like to ask if there is a member in the House who sent an anonymous question to the table for the Minister of Consumer and Commercial Relations (Mr. Drea). If so, would the member give the table his name?

**Mr. Haggerty:** I want to address myself to Bill 96, An Act to amend the Planning Act. My main concern is the same as that expressed by other members, in particularly relating to section 35a(3)(12)—"Perspective drawings and plans showing building elevations and cross sections of industrial, commercial and residential buildings containing 25 or more dwelling units."

That will have effect, if the bill is passed, not only on the city of Toronto, but on other areas. I am not sure if the minister is aware of the present proposals put forward by the city of Port Colborne in accepting a development control zoning plan relating to the Sherkston Beaches operations. Some 500 acres with an open space concept are at present under the control of the municipality and the regional plan. It consists of almost a mile and a half of lakefront property with beautiful sand beaches. Under the proposals put forward for this area, it is to be developed into commercial, residential and high-density buildings.

The area is about eight miles from the downtown core of Port Colborne and there are no hard services available, such as sewers and water. In addition, the proposal will branch out further into the rural area of that community and no doubt cause serious problems there, in direct contrast to the regional plan and perhaps even the plan of the city of Port Colborne.

I suggest to the minister before the acceptance of his proposal under the new white paper on the Planning Act, a certain section should be included in the amendments put forward by the ministry related to development controls and proposals being put forward by a number of municipalities. I am interested in the question of the provincial role in this matter.

In the white paper it says, "Most private development proposals will be subject only to the Planning Act. The Environmental Assessment Act will be applied only to major private undertakings designated by the cabinet." If we are talking about Toronto, that means a high rise building can go up and if there are any objections, the matter will still rest with the cabinet. There will be no appeal to the Ontario Municipal Board; that is, the public has no right to appeal, if I interpret the paper correctly.

To continue quoting from the white paper, where such a designation of a major private undertaking is made, "any related approvals required under the Planning Act will become the responsibility of the approving authority under the Environmental Assessment Act."

I am glad to see in this proposal the Environmental Assessment Act will apply to planning; I don't think it has in the past. I am talking about an open concept theme park. I think of the matter of the one to be located in Maple. I can try and relate it to the matter of the proposal now being presented by the city of Port Colborne to the ministry for approval where Sherkston Beaches will have an open concept theme park where there will be commercial and recreational integration. It will be integrated and I suppose there will even be high-rise buildings as indicated in this proposal by the planner of the city of Port Colborne.

The white paper goes on to say, "approvals required under the Planning Act will become the responsibility of the approving authority under the Environmental Assessment Act. No hearing before the municipal board will be required and such proposals will be subject to only one comprehensive hearing."

"Where a public undertaking is subject to the Environmental Assessment Act and also



requires approvals under the Planning Act, the same 'streamlining' arrangements will apply."

As I said, I'm concerned about this particular amendment proposed by the minister. In the United States, for example, where they have high density high-rise buildings, there have been court decisions handed down that have some bearing on high-rise apartment and residential property that may be abutting a certain development plan where the residents have been deprived of perhaps one of nature's best available products—the sun.

I suggest to the minister another area he should be looking at where we have high-rise buildings, particularly in Toronto and other communities, is that no citizen or resident be denied the right of access to the sun. We are talking about solar energy in particular. I think the time is going to come very shortly when many home owners will be moving into the area of solar energy and they are certainly going to require the sun for that.

I will be passing on information concerning the city of Port Colborne's application for official plan approval to this ministry and I suggest that the minister takes a serious look at this matter, because it is going to disrupt the whole community in the so-called hamlet of Sherkston.

There's another matter I bring to the attention of the ministry. For development purposes, communities that have no services out in the country, which is strictly a rural community or area, under the present plans that are available now, or suggestions under the planning by the region and by the city planners in Port Colborne, any 10 homes in an area can be designated as a hamlet and land be subdivided. If the minister is going to allow that to be permitted in the city of Port Colborne—a subdivision some eight or nine miles outside the downtown core, where they lack potable water and sewer services—he is going to compound the problem down there. I thought when we had regional government this was going to solve some of our problems and we wouldn't permit that urban sprawl, but this proposal put forward by Sherkston Beaches and accepted by the council is irresponsible planning. I am going to forward all that information to the minister.

On this particular bill, section 35a(2)(12), I would like to see, for development control purposes, all important matters of drawings and proposals for future development in any municipality made available to the public. This business where you can show a development-control site plan covers nothing. It just shows you the outside areas; it doesn't

actually tell you what's going to take place in there.

For example, at Sherkston Beaches 10 per cent of that area will be used for buildings of some nature. It could be a motel, or it could be a hotel, or it could be indoor-outdoor tennis courts, or something like that, but 10 per cent of 600 acres is 60 acres of valuable lakefront property that's going to disappear. In the Sherkston Beaches operation, the public now have access to that lakefront. That access could disappear under this proposal for development.

I'm going to support my colleague, who will be moving an amendment as it relates to section 35a(2)(12) of the act, that all information must be provided to the public.

Mr. Isaacs: Mr. Speaker, I rise to tell the minister I think it's an absolute disgrace that he has ignored the consultation process that is supposed to be taking place with municipalities, the consultation that his colleague, the Minister of Intergovernmental Affairs (Mr. Wells), promised to us yesterday during the consideration of his estimates. That minister promised to us that consultation was an ongoing part of the government's program with regard to municipal governments.

The minister knows that the Provincial-Municipal Liaison Committee process is in existence and in fact he had the opportunity just a few days ago to explain this to the PMLC. Yet the bill comes here today with an explanatory note that ends with a paragraph that reads: "The other provisions of the existing section 35a providing for the entering into of agreements . . . are basically unchanged." It comes to us with an explanatory note that says that this very major and important change has been slid through without consultation with appropriate municipal representatives and without drawing to the attention of our caucus and the opposition party caucus that the change is there in the act. I really think that is quite an inappropriate way for the minister and for the government to proceed.

Having said that the consultation process wasn't there, I've also just learned that there was a meeting on Tuesday, March 20, in the ministry's offices, at which representatives of the city of Toronto, Scarborough, North York, London and Ottawa met with the minister's staff to talk about this bill, to talk about the things that should be incorporated into it. The recollection of my contact is that that meeting agreed that some form of architectural review should be included in the Planning Act.



Yet we have the act brought forward now, at short notice, without adequate consultation. I think it's to the credit of our caucus that we have initiated the consultative process with municipalities and I think it's to our credit we have the contacts available who are able to respond to these kinds of things far quicker than the minister and his contacts seem able to.

There are other matters that concern us in this act, as my colleague has already outlined. I want to assure the minister that we will be doing everything possible to make sure that paragraph 12 is reintroduced into the design control provision of this act so that municipalities continue to have the powers available to them now, powers they are beginning to use and which form a crucial part of development control in the downtown areas of certain substantial municipalities.

I want to indicate to the minister that we will support an amendment introduced by my colleague, the member for Waterloo North, if that's brought forward this afternoon, but we will make sure that the bill goes nowhere until that amendment is incorporated. If that means bringing members into this House in order to make sure that we get the consultative process that the minister should have implemented, then we will undertake that.

I hope the minister will assure us now that he will introduce the amendments that are so desperately needed and which should have been incorporated as a result of consultation with municipalities rather than having to come to this kind of forum to get the minister's problems solved.

[3:45]

**Mrs. Campbell:** Mr. Speaker, I am rising to address myself to this bill and particularly to paragraph 12 which has been eliminated from the act. I would like to give a for-instance of the implication so far as the city of Toronto is concerned.

I would remind the minister that cabinet not too long ago, in a proceeding which I still maintain is a corrupt proceeding, in the Annex area of my riding overruled a decision of the Ontario Municipal Board and sent a certain matter back to that board for further consideration.

One of the very nubs of that particular development was the opportunity for the city to bring into play design control. For the benefit of the minister, this is the area between Elgin and Prince Arthur on the west side of Avenue Road known as the Garden development. There was certainly a problem with both the densities and the coverages in

that area. In effect, the action of the cabinet in sending it back to the OMB was really to breach part 2 of the plan.

Inherent in that whole decision was the opportunity for the city to look at the elevations of the project and its design component. For example, in the north end of that development there was a stage of height control by elevation control which could enable the residents on Elgin to live with a rather large development in their vicinity. It wasn't just the height control; it was the whole design of the project which had been very carefully worked out.

If this were to pass in principle or even go to committee, I would say that once more the city and, more important perhaps, the residents who spent several years in trying to accommodate to this kind of development, would feel frustrated. Already they feel very frustrated and cheated by the government by the fact that they had to spend \$22,000 of their own money to support a plan, then the government blithely sent it back without any compensation for cost. In this bill, it is getting into something that is really a nitty-gritty item in the city of Toronto.

There is no question in my mind that through the years there has been criticism of the city for its lack of development—that's what most people have called it—in the downtown core. There has been in part an accommodation to planning which would take into consideration the lifestyle of this city, which I think, on the whole, councils one after the other have maintained. Their major tool has been their opportunity for that kind of design control.

What the government will be doing, quite apart from what it may think about the right of a municipality to design its own lifestyle, in my view and in the view of others in the city, is to completely frustrate one more time the whole development process because then there will be no attempt to accommodate. One will simply go on the very narrow confines of the central area plan, part 2, or whatever applies to a given section.

There is no question in my mind that we must ensure that section 35a is restored to the bill. We recognize the procedural problems at this point in time. Because there isn't an opportunity to introduce an amendment at this stage of the bill, as I see it, I would urge the minister himself to speak to this matter and to reintroduce this section, since my understanding is it is intended the bill should go out to committee and that section should be in the bill when



it is discussed and debated in that committee.

I regret I don't know how many municipalities across Ontario have taken advantage of that section. I am advised that Toronto is not alone, but I can't give any statistics on it. While any municipality is using that tool to protect what it believes is the interest of the residents of its municipality, it seems to me it is totally wrong to deprive it of that opportunity.

I can't speak further on the matter, but I would urge the minister to at least allow this matter to be reincorporated for debate in committee so that we may have a full discussion of that provision. Otherwise, I am afraid I would have to take a position personally that this is a principle with which I cannot concur. I would hope the minister would not place us in that confrontation position. I think it is important to the planning of this province that we review the wishes of municipalities.

Goodness knows, in these days what you have done is to say: "We believe in municipal autonomy." Translated it means: "We believe you should raise the funds for what you want to do, but when it comes to making your decisions, we believe we, as Big Brother, know best." It is not the way to approach the municipalities. It is not the way to approach proper, adequate planning. We need the tool.

**Mr. Renwick:** I am sorry I was unable to be in the House during the course of the comments made both by my colleagues, by others and by members of the Liberal Party in respect to Bill 96, An Act to amend the Planning Act. I do understand the minister has as yet made no statement of any kind. All I can do in a very brief way, since the minister didn't choose to make a statement at the opening of second reading of the bill, is talk into the kind of vacuum I hope the minister will move in to fill at the time when he closes off the debate. I know that is an immense request to make of the minister, but I hope he will.

More than anything else the events of the last 24 hours, in my opinion, as they have developed with respect to the concerns the minister has raised among the municipalities that have taken advantage over the years of section 35a leads me to believe this assembly requires the minister to level very clearly with us about what has taken place. If there are any misconceptions in my understanding of it, I hope the minister will feel quite free to say I am quite improperly informed or not informed adequately about the background of it.

I am interested only in one thing. I don't really care at this point in the game whether or not I should or should not have had further information about it. I am concerned that the minister's statement clearly and unequivocally states what the position of the ministry is with respect to the omission from this bill of the provision which has caused so much agitation. That provision is, of course, the existing provision of paragraph 12 of section 35a(2) of the act as it presently stands. That is the provision which states that "Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing 25 or more dwelling units," will be contained in the presentations which are required in relation to development projects so that municipalities will have an opportunity to have some sense of design approval available to them in respect to the overall public interests served by the old section 35a and the new section 35a.

So, I want to know why there has been no apparent public discussion of this matter. There certainly isn't any reference to it in any of the explanatory notes that accompany the bill. Why has the minister decided to omit the particular provision? So far as I am concerned, and I don't pretend for a moment either to be sufficiently expert or to have studied in detail the white paper with respect to the Planning Act, why does there appear not to have been any significant discussion in that white paper about this particular provision in the existing section 35a? Third, why does it appear from the way in which the matter has come to our attention, that in a very real sense, the municipalities have been caught by surprise by the omission from the bill of that provision?

I think we are entitled to have the information as to the course of the negotiations and discussions which led this ministry to produce the bill which omitted that particular provision. There are other provisions that are going to be matters of concern, but that's true of all bills and those are matters which can quite properly be dealt with in a committee of the assembly in the ordinary way in dealing with amendments. But, when you come to a matter of such fundamental importance, a party such as ours is placed in a very difficult position because we have to await the so-called dynamics of the debate about the question of voting for or against the bill.

I don't want the minister to misunderstand. It is our intention, unless the minister unequi-



vocally states that he is going to propose an amendment in committee to reinstate the substance of paragraph 12 in section 35a(2) as it presently stands, to oppose the bill on second reading. This caucus would have little other alternative.

The next point, which is of major concern to us is that if we do not get that kind of unequivocal undertaking from the minister, then we are prepared, if necessary, to stand 20 members in their place in order to ensure that the bill goes out to a standing committee of the assembly and does not appear before the committee of the whole House. I have heard—again in the immense number of rumours that always crop up when we're under this kind of pressure because of a failure by the government to give an adequate explanation of a problem which has arisen—that the minister is going to refer it out to a standing committee. If so, then there will be no need for us to exercise our right under the rules to stand 20 members in their place in order to direct that the bill be considered in committee other than committee of the whole House.

Those are matters which appear to me to be of such significant importance that we have to have a complete levelling by the minister as to what is the background of the omission. If it is sheer inadvertence and misunderstanding of the implication, that's fine. Confession is good for the soul; ignorance, once dispelled, is no particular vice. We are quite happy to have that kind of admission from the minister.

[4:00]

If, however, there are some other reasons and he has been subjected to other pressures, then we'd like to know what are the meetings at which the pressures took place, who were present and what indications he has given to anybody that he has a problem with this section. Is he going to await the unfolding of the events in committee to determine what his ultimate position is going to be? Is he going to make it clear for us or not clear?

I can only speak from the point of view of a representative of the city of Toronto which has an immense interest in the kind of provision of section 35a which replaces the existing section. It has an immense interest in that there is a tremendous amount of time, effort and talent which goes in, as the minister is well aware, to these major multiple-type agreements that the city is a party to with respect to the redevelopment of the basic part of the inner of the city of Toronto.

The minister knows that when, as I understand it, the legal department of the city of Toronto—for which I happen to have a very high regard and respect, and for which I am quite certain the minister's advisers have a high regard and respect—has tremors about the net effect and the fall-out of the proposed bill that is before us on both existing agreements and intended agreements for these multiple complexes which will not develop in the way that is consistent with the central core plan which the ministry itself has approved within only the last few days; when that kind of tremor is sent through the legal department amongst the experts in the city, from a legal point of view, who deal with these redevelopment matters, day in and day out, then there is a very profound obligation on the minister to dispel and allay those very real concerns that have been generated within the knowledgeable people in the city's planning, legal and other departments.

This is not in any sense to be taken as a matter which is a political matter in the sense that it is a partisan political problem that has been created. This is a serious fundamental amendment to the Planning Act, related to the whole of the redevelopment of the city. It has had the net effect, because of its draftsmanship and because of this particular serious omission, of destabilizing all of the existing agreements with respect to the Eaton's Centre Phase II, with respect to the tremendously complex College Park development, and with respect to the properties immediately on the north side of Dundas, known, I guess, as the Trizec lands, to name only three of them.

When one finds there are other agreements pending which are in the course of negotiation and which in a funny way have had to come to a halt because of the uncertainty created by the bill the minister has introduced, then he has an immense obligation, because of the long history and the long commitment of the city to the public interest in the kind of legitimate, equitable redevelopment which can take place, to dispel each and everyone of those concerns and to dispel them promptly, clearly and concisely in this assembly and not to have the tremors of it reverberating for the next several days while we go through our ruminations about it.

As I say, there are other amendments which are the normal give and take of the interplay of any statute when one is trying to satisfy a number of groups. We can deal with that and the assembly is accustomed to dealing with that type of amendment in its committees. But in this particular fundamental



flaw in this bill which has caused this kind of concern in the city of Toronto—and representing as I do one of the areas contiguous to this development area I have a particular and special interest in it—it seems to me the minister has to level with us and has to come clean in the House this afternoon as to exactly what it's all about—why the omission, what the purpose of the omission was, was it intended and what he is going to do to give us some assurance that it will be replaced or not.

I don't wish to emphasize the position of the city of Toronto unduly because it would appear to us there are significant concerns, in the planning departments and elsewhere, which are affected by section 35a, in municipalities across the province. I don't know the exact number, but I am advised somewhere in the neighbourhood of 50 to 60 municipalities have taken advantage of the existing section 35a. I am told they have, when it is drawn to their attention or they find out on their own initiative, significant concerns about it.

I do not understand it. I believe the intended omission of this item from the bill was not a matter which was discussed at the Provincial-Municipal Liaison Committee by the minister or his advisers, in order to try to make certain that municipalities were apprised of it in time.

I have some very real concerns when I know the minister's own city has apparently somewhat similar concerns to the planning departments and others in the city of Toronto. These were reflected in the statement which appeared in the *Globe and Mail* this morning about the position of the mayor of Toronto.

These arrangements are the result of very complex, lengthy, valuable, costly negotiations over a long period of time. If there is going to be destabilization of the legal framework within which those agreements are negotiated, then I do not think this government will want to bear the responsibility for the destabilization. I am calling on the minister, in a matter within the framework of important matters, a matter of essential need for this government, to move promptly to restore the kind of stability which existed. That stability will continue to exist if the minister will make a formal declaration in the assembly on second reading that he will accede to the request.

I have been informed that my colleagues in the Liberal Party are prepared to move and we will support—or we will move and they will support—an amendment in committee, at the appropriate time, to restore the particular section. I don't think it calls for that kind of activity on this kind of an issue.

It seems to me the very destructive nature of this bill is such that the flaw in it must be removed now by the minister, at the time of second reading, by an unequivocal statement that he, himself, will reintroduce the missing provision in the bill.

I trust I have put the position of our caucus as clearly as it is possible to put it, so there will be no misunderstanding about our position, either by my colleagues in the Liberal Party or by the government, as to what course of action we intend on the bill. But I hope we will not be placed in a position where we must vote against, on second reading, a bill which is required. Such a bill, in a proper form, is needed urgently to fill the vacuum created by the quite proper but difficult decision of the Supreme Court of Canada now faced by the city of Toronto. I hope the minister will give us that kind of unequivocal answer to the questions I have tried to place unequivocally before you.

**Mr. Makarchuk:** I too would like to express some concerns about what is going on in this bill. I would also bring to the minister's attention that in a sense, in Ontario, over a period of time, there has developed a reasonable process of planning. It was not perfect and it certainly can be adjusted and improved and the government is moving in that direction with the minister's white paper. But the point that has to be taken into account is that in that process there is an opportunity for local councils to give and take or barter with developers to try to protect neighbourhoods, to take into account the wishes of the people who live in those neighbourhoods and to ensure that the wishes are implemented in the plans for new developments going into various communities in this province.

What the minister has done in this bill is to eliminate that option for the people of Ontario by denying them the right to continue to have input into the planning process. It bothers me to find out that he has brought this in without taking into account the consequences that can and probably will happen if this legislation ever gets through.

The usual propensity of developers is to try to maximize the units, the densities and so on; in most cases they have very little concern for neighbourhood. Their interest is financial gain because that is what they are all about. This is not to be critical of them, but that is how they operate. What the minister is in effect going to permit will bring a reaction from various neighbourhood groups and citizen groups. He is going to encourage confrontation in the planning processes in Ontario; he is going to have more angry



people storming city councils; he is going to bring on all sorts of new Ontario Municipal Board hearings and he is going to have appeals to the cabinet and appeals to the divisional court.

This is the kind of future this bill would create for the people of this province. I worry as to why the minister responsible for this would bring it on. In many cases of appeals, the OMB will probably base its decision on this bill and then the appeals will be made to cabinet. It will be the necks of the minister and the cabinet that will be on the line in terms of what goes into certain neighbourhoods.

Unless at that time the minister makes a decision in favour of the people, he will certainly have to take the political fallout. Why go through such a process when there is in effect right now a process whereby the wishes of the people on the local elected councils are relevant and can have the proper planning effect on new developments? Why the minister tries to remove it is something I can't understand.

Before this debate is over I hope when the minister makes his windup speech he will give some commitment as to what he intends to do, as was pointed out by the various speakers on this bill earlier today.

**Hon. Mr. Bennett:** I have listened with interest and also concern to the remarks raised by members representing the opposition. The member for Waterloo North drew my attention to the fact that paragraph 12 under 35a(2) of the present Planning Act had been deleted. There is an inference from the comments of two or three other speakers that somebody was trying to slip something through or to process a piece of legislation without proper and adequate input from people at the municipal level or from members represented on the other side of the House.

The bill was introduced in this House on May 17. I would surely think that in the two weeks or more since then there has been ample opportunity for developing one's arguments for or against the bill or requesting amendments, whether at this level or at the municipal level. In order that there is no misunderstanding, my ministry representatives met with a subcommittee of the Municipal Liaison Committee to review, at my request, the proposed new section 35a, because some 75 municipalities in this province have enacted their own bylaws under the old section 35a and now find themselves, as the member for Riverdale said, in somewhat of a difficult position.

We reviewed it with them and we reviewed it with other interested bodies that had been party to the legal case on which the Supreme Court of Canada ruled on January 31, 1979. We have, in my opinion, tried to cover the waterfront in a very specific way with those people in the city of Toronto representing that municipality in the field of planning. I am not saying it was done at the political level; it was done at the administrative level or the planners' level. The general act being presented here was reviewed with them.

[4:15]

On the first occasion that I became aware of some concerns in the municipal sector—and it is not from lack of consultation with them—obviously in reviewing the bill, their outside legal counsel, I gather, determined that paragraph 12 should not be eliminated under subsection 7 of the previous act and that it should be retained.

At the time we discussed this particular subsection being dropped there appeared to be ample opportunities for the municipality to secure site-plan situations on a particular site being developed and to indicate the type of landscaping that would be required or demanded by the planning board and council.

I repeat again that it was only late last week—on Friday, if I recall correctly—that the mayor of this community, through his people, indicated to my ministry that they had some concerns for paragraph 12.

At this point I have not received any official communication from the city of Ottawa in relationship to paragraph 12 of section 35a (2) of the act. But I did receive from the mayor of the city of Ottawa a letter relating to this amendment but dealing with another problem entirely which the planning board of that city would like to have reviewed.

Obviously, if I am to take the letter of the mayor of the city of Ottawa of May 24 as being some indication of the fact that they legally have reviewed the bill, and that their planners have reviewed the bill, there was no comment raised in relation to paragraph 12 of 35a(2).

I can appreciate that some people feel we are extracting some of the authority of the municipality, which is far from what I wish to do. I said clearly in the white paper presentation a week ago that we were attempting to give back to the municipalities, upon their request, more and more authority on how they are to handle the planning and development of their communities. Far be it from this ministry to want to reduce in any way the authority of the municipalities in design-



ing and developing their community, because they live in it and they have to live with whatever mistakes or improvements they make. Far be it from us to wish in any way to take away from a municipality.

Obviously, though, at the time of reviewing paragraph 12 there were some misgivings as to its need, because of the time factor, as to whether municipalities in all cases had taken paragraph 12 and properly applied it; whether municipalities should get themselves into the position under paragraph 12—from my understanding of it—where some would dictate the quality or colour of brick, for example, for the exterior of a particular building. There should be some flexibility, I would hope, left for the imagination of the private world of architects and not only those employed by municipalities.

Clearly we are in no way, shape or form trying to sneak anything through in this new section 35(a). It is our attempt to make sure that if we amend the act that it will stand the light of day—and, indeed, the trial of another court case if that should ever take place—and that it will give to the municipalities the authority and the control of designing and developing their communities as they, the politicians at the local level, see fit to include.

I would like to touch on one other point that was raised by the member for Parkdale and touched on by two or three other members in talking about existing agreements between municipalities and developers throughout the province.

The question is appropriately and well asked as to what happens to those agreements, and why we should not certify them or qualify them to continue to be in existence in this province, legally. Legal counsel has indicated to us clearly that the whole section 35(a) was under question, which could very well nullify some of the agreements that are in place at present throughout the various municipalities.

There's another very important point of which I think this House should be aware. Obviously, this province is not fully aware of the total range of the matters which the municipalities have included in the past agreements. Many of them, I say to the member for Waterloo North, are beyond the terms of the Planning Act, from a legal point of view.

I would find it rather difficult to suggest to this House that the government of this province should enact a piece of legislation which would certify or validate previous agreements that could very well be once

again involved in a court case to decide whether a government has the right to validate something that was far beyond the laws of the day in which it was enacted.

On the other hand, in talking to some of the municipalities, I think they're firmly of the opinion they can validate them. For some of the agreements, while there might be conditions in them that could very well be contested, most of the developers having entered into those agreements, and also in respect of the fact they're going to ask to enter into other site-plan agreements and so on in the future, would more than likely find ways of validating them between the municipality and the developer him or herself, or their companies.

I'm not sure I understood all of the remarks made by the member for Erie, particularly because I do not have the plan from Port Colborne the member talked about. I would find it difficult to try and comment on some of the spot developments and so on. The member will appreciate some of that has come about, not as a result of section 35a, but as a result of land severance committees or committees of adjustment. They have allowed for infilling to a greater extent than what should have been, in my opinion, allowed to develop, for the reasons of water supply and environment, as the member has said.

I am not one who enjoys seeing urban sprawl as we fly over Ontario. One has to wonder how it will ever be adequately serviced either by those amenities most communities want or indeed, by the other more important ones, water and sewers, for the protection of the general public of Ontario. I would be pleased to review further with the member for Erie those things relating to Port Colborne.

I would say in due course, in the discussion of the white paper by municipalities throughout the province and by other organizations, the facts that relate to environmental assessment re the Planning Act can be brought out, as well as how we can have one joint hearing rather than going through dual hearings, which only complicate the subject and raise costs, both for those appealing and for the government of the day.

The member for St. George spoke on the problem of Garden development in the Annex, which is to the north of the Legislative Building, on Avenue Road. Obviously there were some very direct concerns, relating to both density and coverage, which even under the proposed amendment, or Bill 96, would have given the municipality the flexibility in controlling heights as long as



the developer did not lose the overall maximum square footage allowed within the construction of the project.

I make it very clear to the member for Riverdale, who said he wanted the position made clear, that we have gone through what we consider to be public discussions with groups that were duly involved and responsible, both to the Municipal Liaison Committee and for some municipalities. I will admit we did not go individually to London, Windsor, Hamilton, Stoney Creek and Ottawa. We went to the municipality, first of all, that was principally involved in the court case, which was the city of Toronto, under its bylaw 419-74.

The member for Brantford raised questions on responsible process. Indeed, that is exactly what the white paper intends to bring into this province—a responsible process of planning and development which may be a little more sophisticated. It will be more sophisticated because we think there's competence and quality of planners within municipal staff today that didn't exist some years ago. That's why we brought forward the white paper and the amendment to the Planning Act, which we hope will help further the development of the province.

I must say the member's remarks relating to this section and how we could get through the Ontario Municipal Board and eventually be referred back to the minister escape me completely, since it is not an item that is put into that position of an appeal to the OMB.

May I conclude by saying that while I have indicated our discussions with CIPREC—the Canadian Institute of Public Real Estate Companies, which is the group of firms here in Toronto which appealed the bylaw originally—my staff has met with representatives of the Municipal Liaison Committee, as I said, and with specific employees of the city of Toronto; and recently we have had notices from this municipality, and indeed I understand legal counsel has called the city of Ottawa and the other communities and suggested to them that they now review the old paragraph 12 under section 35a(2) of the act.

I have no desire to leave with this House, or the people of this province, or the municipalities the idea that we're trying to reduce their authority in trying to build an appropriate community. I am willing to accept the views of the opposition and review with my legal counsel a proposed amendment that would likely come into section 35a(7)(a) of the bill, and without saying definitely that

it would be paragraph 10 or what, it would likely fit into that particular area. I would trust that would put to rest some of the uncertainties that seem to prevail in the minds of the opposition at this time that we were anxious to reduce the ability of municipal councils to effectively design and develop their communities in any way, shape or form.

My concluding remark is that I'm not aware at this moment of opposition by any particular group to having paragraph 12 removed—pardon me, anyone who is objecting to having paragraph 12 as it was reinstated into Bill 96. I'm sure the development industry that expressed some concerns at the time of the court case felt it was a delaying feature and that sometimes it didn't give flexibility for them and their private architects to do what they believed was good design and development and that at times far too many bureaucratic opinions were expressed by other than political forces at the municipal level on exactly what the characteristics of a building should be.

With that in mind, Mr. Speaker, I conclude my remarks by saying that we will look at the possibility of bringing forward an amendment to section 35a(7)(a), which will likely be under paragraph 10 of that subsection.

**Mr. Duksza:** I don't understand—

**Mr. Speaker:** Order. We don't allow a member to speak any more than once on second reading. I'm sure the bill will go to committee and there will be ample time for a clause-by-clause analysis, or clarification at that time.

**Mr. Makarchuk:** On a point of clarification, what assurance do we have that it is going to committee? Has the minister committed that it should go to committee?

**Hon. Mr. Bennett:** Mr. Speaker, I'm open to suggestions that it go to committee of the whole House or to standing committee. The only point I would like to raise in relationship to going to the standing committee is that the ministry and my staff are committed to a rather extensive touring of the province in relationship to the white paper, commitments have been made and staff will obviously have to be in attendance; either that or the necessity of the minister to cancel those meetings and to try and re-schedule them at some other date to review the white paper with all municipalities in this province.

Motion agreed to.

**Mr. Speaker:** Is it my understanding that the bill should not be ordered for third reading?



**Mr. Epp:** Mr. Speaker, may I get a point of clarification? I don't think that the minister is doing justice to this House in trying to clarify exactly what he is going to do. That is both in regard to paragraph 12 of 35a and with respect to where this bill is going to be amended.

**Mr. Speaker:** The member is raising the very same question that the member for Parkdale raised.

**Mr. Epp:** I think, to do justice to the House, we do deserve a clarification on it. I don't think we have had the benefit of one from the minister.

**Mr. Speaker:** Let me put the question. What is the wish of the House with regard to Bill 96?

[4:30]

**Mr. Makarchuk:** Committee outside the House.

**Hon. Mr. Bennett:** Committee of the whole House.

**Mr. Speaker:** It is the discretion of the minister to direct it to the appropriate committee.

Ordered for committee of the whole House.

#### HIGHWAY TRAFFIC AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 90, An Act to amend the Highway Traffic Act.

**Mr. Speaker:** Does the honourable the minister have an opening comment?

**Hon. Mr. Snow:** Not really, Mr. Speaker. I will be asking that this bill go to committee of the whole House as I propose to introduce two amendments to the bill. Copies of these amendments have been distributed to the opposition critics: an amendment to section 10 to include ambulances as emergency vehicles and an amendment to section 12 relating to the carrying of retarded adults on school buses, which was the subject of the private resolution of the member for Wellington-Dufferin-Peel (Mr. J. Johnson) a few weeks ago.

The rest of the bill is somewhat mechanical and I don't really have any further comments, other than those I made on the introduction of the bill.

**Mr. Cunningham:** I would like to thank the minister for the time he and his staff spent briefing us on Bill 90 and other bills pertaining to his ministry. At the same time I do appreciate receiving in advance the amendments he will be proposing today. I am supportive of them and I expect my party will be as well.

The remarks the minister made with regard to the transportation of mentally retarded adults on school buses are, in fact, in keeping with comments that were made during the course of debate on the private resolution of the member for Wellington-Dufferin-Peel which was supported by members of the House and certainly in keeping with requests made by other members of the Legislature, including the member for Huron-Middlesex (Mr. Riddell) during the course of the minister's estimates.

The bill itself, I think, is self-explanatory. It doesn't involve a great deal of comment by me but I would ask the minister to comment on his intent with regard to the stopping of vehicles the police regard to be improperly loaded. Possibly when talking about the enforcement of this provision of the legislation he might direct his attention to a concern I am sure we all have with regard to shippers who know that some of these vehicles are loaded improperly when they leave a plant or loading facility. It is a concern we all have. I think it arose initially when we talked about the movement of sand and gravel and aggregate material, but on a regular basis I see vehicles on the Queen Elizabeth Way with pieces of metal hanging out. One wants to pass these vehicles as fast as possible—in keeping, of course, with the provisions of the Highway Traffic Act.

The reference to definition of a driver is of interest to me as it applies to the possibility of some violations relating, I suppose, to non-motorized vehicles. I gather this amendment is as a result of some court cases involving bicycles. It is my understanding, as bicycling becomes more and more popular, we will be invariably seeing more accidents. While it may be the concern of the ministry to see that these vehicles are brought under the control of the act, and I endorse that, I have some concern about just how that will be applied to individuals, whether or not the minister might be contemplating some kind of licensing provision and what provisions may be expected as far as age and enforcement are concerned.

The only disappointment I have relates to school buses. I remain somewhat unhappy the school buses will be inspected, or can be inspected, by mechanics who are employees of the school bus firm itself. I know the minister's concerns as they relate to northern Ontario and outlying areas. I appreciate that. I appreciate that and I'm sensitive to that. But I think in the built-up urban areas, in the larger municipalities, there are many alternate sources of mechanical inspection. As I've said before, I believe the mechanic required to



put the stamp of approval on a bus belonging to a company he or she may work for, is in a particularly invidious position. I see a blatant conflict of interest developing there.

While we may have tightened up in the last six or eight months as a result of some accidents that occurred some time ago, my fear is that we will be less stringent in the future. At some point in time some laxity may occur again. I would ask the minister that during the course of the summer he contemplate amendments that would remove this conflict of interest. But we will nevertheless be supporting the bill.

**Mr. Philip:** We support the bill, Mr. Speaker. I echo the member for Wentworth North's sentiments to the minister and his staff for the co-operation they have shown, not only on this occasion with the briefing that both the Liberal critic and I had requested during estimates, but also for other help they have been able to provide on various transportation matters over the last three or four years when I was transportation critic.

We are in support of the bill. It makes a number of sensible suggestions. From a very personal point of view, the one that struck me was the addition to section 124 of the act that deals with the problem of snow dumped on highways from private driveways and parking lots and so forth. Before I was elected to the Legislature, I had the privilege of working for the Ontario Federation of Agriculture and drove a great number of miles. I was constantly aware of the fact that one could be going around the corner at 40 or 50, or even 60 miles an hour on a good highway, only to be confronted by a small snowbank that had been ploughed out by someone who thought the snow would somehow evaporate on a bright, sunny day.

I think with the movement toward smaller vehicles, and the present energy crisis that's motivating this, it becomes even more of a hazard. Therefore it's more important that we deal with this problem; which is for me a psychological problem. I never lost control of my car running into one of these things, but certainly I know of people who have gone off the road in instances like this.

As I read the act, and I'm not a criminal lawyer, the minister has made this an offence under the Criminal Code. I wonder if it wouldn't be simpler to have some kind of fine as for other offences under the act. It might make for greater policing and enforcement of that particular problem. Perhaps he had some good legal advice in approaching it this way; but I would like to ask the minister if, under committee of the whole, he

would at least address himself to how he is going to educate the public on this particular change. I am sure the majority of people will not be aware of it; they simply do not spend their days reading Hansard.

I welcome, also, the change to section 96 of the act, allowing for emergency vehicles to continue through red lights after taking the proper precautions in coming to a full stop and so forth. I remember endless conversations at the Ontario Fire College when I used to spend some time up there three and four times a year as a consultant. I remember different firefighters and fire chiefs saying they took a chance, even though they knew it wasn't legal to do so, because of their concern about saving lives at the scene of the fire. Others were perhaps enthusiastic about breaking the law. I am sure the minister has received numerous letters over the years from fire departments and police departments. The more recent case that made all the headlines with the tragedy over one particular police incident no doubt has resulted in even more letters on both sides of this question.

I have some questions concerning sections 3 and 4 of this act. The minister is making amendments to sections 57a and 57c, I believe it is, of the old act. I refer to a proposal the minister will recall to exempt from provincial inspection vehicles that come from those jurisdictions with which we have reciprocity agreements. Can the minister give us some assurance that he will at least be doing something to ensure those jurisdictions are made aware of the standards we have? What will he do in cases where a particular jurisdiction with which we sign a reciprocity agreement does not have the same standards of safety to which we seem to be moving, as a result not only of the select committee on highway safety but as a result of the minister's own initiatives in this direction? I'd like some assurance that in signing reciprocity agreements with some jurisdictions perhaps not as safety conscious as we are, that we are not at the same time allowing unsafe vehicles, or vehicles that have less high safety standards, on our highways.

I welcome the section that facilitates the matter of the transportation of the disabled. I think the minister is well aware of our party's stand on that issue. I also express some concern that the minister still has not developed what I consider to be an adequate safeguard in the inspection of school buses, but as a whole I compliment the minister on the bill. It's a good bill; I hope that perhaps in the committee of the whole he may be able to answer some of my questions, and



perhaps one or two other questions that I'd like to raise in the committee.

**Mr. Acting Speaker:** Is there any other member wishing to speak to this bill?

**Mr. Roy:** Not right away, no.

**Mr. Acting Speaker:** Mr. Minister, this is your last chance.

**Hon. Mr. Snow:** Thank you, Mr. Speaker. I appreciate the comments of the honourable members regarding this bill. I'll try to answer a few points that have been made.

The Liberal critic (Mr. Cunningham), the member for Wentworth North, inquired regarding the amendment relating to the fastening of loads. The present section of the bill requires the securing of loads on commercial vehicles. Enforcement of this, as he knows and as I know, is a problem. Sometimes we see pieces of lumber or something—as a matter of fact yesterday morning as I was coming in on highway 401 a truck had lost a number of bundles of insulation. Another enterprising young contractor was stopped and trying to gather up this insulation the truck ahead had dropped off. I was surprised, because when I caught up to the truck carrying the insulation it looked to be well fastened, yet he had lost some.

What this amendment does is make the same provision for a passenger car as for a truck. What we are concerned about here is the fellow who goes down to the local lumber yard on a Saturday morning, picks up a couple of sheets of plywood and doesn't properly fasten them, or has a mattress on the top of his truck or his car. This makes it an offence not to have that type of a load securely fastened.

The definition of the driver, just as the honourable member said, is to include the rider of a bicycle, so that the rider of a bicycle has to obey a red light or signal a left turn, or stop at a crosswalk or otherwise live within the law. It applies provisions of the Highway Traffic Act to the driver of a bicycle or other vehicle that is not defined as a motor vehicle.

[4:45]

I appreciate the honourable member's concerns regarding school bus inspections. I can assure him we will be continuing very strict enforcement. I think we have perhaps the best school bus inspection program in any jurisdiction. We are now extending this to include all commercial buses.

I recognize the argument that can be made about a mechanic of a firm being allowed to certify the buses owned by that firm; but for practical reasons really I believe it is a necessity. For instance, bringing all commer-

cial and transit buses under the system, I am sure you would agree, would make it very difficult for the TTC to take their 1,500 to 1,600 buses to an outside inspection station to get them safety checked. It is necessary that they do their own inspections.

**Mr. Cunningham:** I am more concerned about the private companies.

**Hon. Mr. Snow:** I am getting into some of the private companies. I won't mention any names, but the honourable member knows of a couple of major companies in the province that have several hundred school buses, so they are almost in the same category. We intend to follow this very vigorously, to do spot checks and be very tough on any offenders we find, as we were in the past.

The honourable member for Etobicoke (Mr. Philip) mentioned the snow dumping clause; section 124 of the act, I believe it is. This is not a Criminal Code offence—I am surprised that he got that opinion—it is an offence under the Highway Traffic Act. I presume the minimum fine would be the normal \$28, the same as it would be if you put snow on the roadway, or more could apply if the judge so decides, as it would if you were not wearing your seatbelt. Certainly it would not be my desire to make it an offence under the Criminal Code that would establish a record for an individual. That is not in the bill and is not the intention.

The emergency vehicles: during the past year I had some contact with the firefighters' association and with the ambulance association. I apologize for the confusion over the ambulance situation, because in my instructions to my staff when we were preparing this bill we had included ambulances. I have an amendment, as you know, to put the ambulances back in. There was some lack of communication between staff officials of the Ministry of Health and officials of my ministry; and after all, Health does run all the ambulances in the province. Reluctantly, I had agreed to take the ambulances out before introducing the bill. The Minister of Health (Mr. Timbrell) and I got together personally on the matter and discovered the misunderstanding. The ambulance people thought we were going to exempt ambulances from speed limits, which they did not want. They are now quite happy and want their vehicles treated the same as fire department vehicles in this area; so in committee I will be introducing an amendment to do just that.

The other item mentioned was the reciprocal inspection agreements for safety standards, relating basically to our bus inspection program. We do hope to enter into



reciprocal agreements with other provinces and other jurisdictions; in fact I had a call from the state of New York yesterday. We want very much to enter into an agreement with the state of New York.

These reciprocal agreements are by an Ontario regulation, so if we are not happy with it at any time we can revoke the agreement by revoking the regulation. But New York is recognized, I am told by my staff, as having a very high standard for bus inspections. If you have a New York certificate any other state in the United States will accept it, so hopefully if we will be able to have a reciprocal agreement with the state of New York so that the certificate we issue here is acceptable in New York. It would then be acceptable pretty well throughout the United States. We will be watching very carefully and comparing the programs of safety inspection in other jurisdictions with our own to be satisfied they are adequate before we enter into a reciprocal agreement. I give the honourable members that assurance.

I think that covers the points that were questioned.

Motion agreed to.

Ordered for committee of the whole House.

#### RAILWAYS AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 92, An Act to amend the Railways Act.

Hon. Mr. Snow: Mr. Speaker, I really have no comment. I explained the bill on introduction. It is very straightforward. It is brought forward at the request of the Toronto Transit Commission. The Railways Act is an old, old act that has been on the books for many years and is used very little. In fact, until we got this request, I was not aware that we still had it on the books. The bill changes the fine for defacing railway property from a maximum of \$20 to a maximum of \$500, and it affects the TTC subway.

Mr. Cunningham: Mr. Speaker, I see by the date of the act that it was passed during the course of a very fine Liberal administration here in Ontario.

Hon. Mr. Snow: It has been a long while.

Mr. Cunningham: It has been. But the minister might get used to some changes coming up, especially in view of the changes that have taken place nationally.

I see no need for this bill to go to committee, but I was just wondering about the

nature of the violations that the TTC might have referred to the minister. I was just curious with regard to the kind of violations they would be confronted with.

Mr. Philip: Mr. Speaker, we are in support of the bill. I have absolutely no problems with sections 2, 3 and 4; the question I have is perhaps related to what the Liberal critic has asked. Section 1 deals with changing section 164 of the act, but section 163(e) also refers to "the commission of any nuisance in or upon trains."

Since we are raising considerably the upper limits of the possible penalty for an offence, I wonder if the minister, or perhaps some people in his ministry, can give us some idea of what offences might constitute a nuisance, what the limits are of that, of whether there have been any cases in which someone has been convicted of that under the act.

I would like some assurance about how this is going to be used. I recognize that the TTC and other companies of that size are not going to be frivolous in the way in which they ask that somebody be charged under the act, but I think it is a question that should be answered.

Hon. Mr. Snow: Mr. Speaker, I guess the best answer I can give is by way of a letter we have from the general counsel of the TTC requesting this amendment. They refer in this letter to the prohibition against smoking, interfering with the mechanical equipment of any of the commission's vehicles, the committing of any nuisance on the commission's vehicles—I do not have an explanation of what they refer to as nuisance—or premises, and the necessity of entering the rapid transit system other than at designated passenger entrances only. Someone climbing over a fence into the subway tunnel, or damaging the commission's equipment would be committing an offence under this act. It would apparently also cover smoking; where there is no smoking permitted, that would be an offence. The point made by the TTC really is that the \$20 fine maximum at the present time is not an effective deterrent for the vandalism they encounter on the TTC.

But as far as any complete details of the type of minor nuisance is concerned, I'm afraid I can't give the member that. However I'm sure neither the TTC nor the courts are going to allow the abuse of this.

Motion agreed to.

Third reading also agreed to on motion.



PUBLIC TRANSPORTATION AND  
HIGHWAY IMPROVEMENT  
AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 99, An Act to amend the Public Transportation and Highway Improvement Act.

Hon. Mr. Snow: Mr. Speaker, this bill is housekeeping in nature as far as most of the items are concerned. It provides metric measurement in a number of clauses. It deletes the requirement for a registered civil engineer because apparently the engineering profession no longer uses the word "civil." It's a structural engineer, or whatever the proper wording is.

The main importance of the bill is that it provides the authority for me, as the Minister of Transportation and Communications, to pay subsidies for the new program for transportation for the physically handicapped. There's another clause that relates to the marking of roads closed to traffic.

At the present time, apparently, the act says that where a road is closed to traffic it must be signed as "road closed" and "detour." This is not appropriate signing in many cases, where all we're doing is diverting the traffic off the road, through a farmer's field and back to the road, which isn't really closed. It's not really detoured in any major way either. Apparently there has been a legal problem over it. To be legal we had to put signs up saying road closed and detour. This amendment of the act will provide for appropriate barricades and signs to warn traffic there is an obstruction ahead and there is a diversion of the road. I think that's the best explanation I have of the items in the bill.

Mr. Cunningham: Mr. Speaker, we will support the bill. I find the minister's comments to be self-explanatory. I would say as an aside I'm very pleased. I know members of all parties would be pleased to see the provision for the amendment respecting the definition of public transportation, which will facilitate, I hope, increased subsidies for the transportation of the physically disabled.

I think in the past we've been somewhat negligent, possibly, in not providing enough financial support and a little leadership in this regard. I was delighted to see that develop in recent years, and now we will be renewing the commitment to people who are physically disabled that we will be improving the facilities significantly.

We certainly will be supporting the bill.

Mr. Philip: Mr. Speaker, I support the bill in principle, but I have real problems with section 1. When the minister wishes to make a change that relates to safety he must first

of all, to get my support, prove to me beyond a reasonable doubt that safety is in no way being lessened and that it is not merely a change for the sake of expediency or the ease with which his officials or his employees can get on with their jobs.

[5:00]

I haven't heard that, and therefore unless I hear a more convincing argument from the minister as to why section 1 should be included in this bill, I will be moving in committee for the deletion of that section. However, I will be supporting the rest of the bill and some of the excellent proposals and changes in the other sections. I hope the minister will be able to convince me. If he can't convince me, my colleagues will be moving for deletion of that section.

Mr. Isaacs: I share my colleague's concern about the changes in signing for road construction and for detours. As the minister may be aware, my presence here involves considerable quantities of driving on the Queen Elizabeth Way between Stoney Creek and Hamilton and the Municipality of Metropolitan Toronto. I very often find on that road and on many other King's highways around this province which I have occasion to travel that the amount of signing for roadwork is very inadequate.

I want to tell the minister that I was witness to an accident one night on the skyway bridge across the Burlington canal in which the left lane of the southbound carriageway was closed to vehicles, but for which there was no advance warning sign. The only warning sign that was provided was mounted on the back of a dump truck parked just over the brow of the skyway.

In the very unfortunate circumstances that arose, a van passed my car travelling at some considerable speed and went into the back of the dump truck that had the sign mounted on it. In the very unfortunate circumstances, the driver of the van was killed. Since that event, and perhaps even before that event, I have found that the signing for major roadworks on our expressways and on our highways very frequently leaves much to be desired.

I note from this bill that the present act requires that lights be provided that are visible from at least 500 feet. I'm convinced, from my own experience, that that is not being adhered to at the present time by road crews on our highways.

I note that the bill before us deletes that reference to advance visibility. It concerns me greatly that we're not insisting that road crews take a very responsible attitude to-



wards signing. We have situations where signs are very often left in place when there are no roadworks in progress. That leads to a contempt of such signs by many drivers, which is most unfortunate.

We're now putting forward proposals whereby there will not be a legislative requirement in this act for signs that are visible from a considerable distance. I hope the minister can assure this House he will take a very serious look at that situation so that through some mechanism, either by an amendment to this bill or some other way, we can be assured that motorists have an unobstructed view of signs marking roadworks that are in progress on our highways. Without that kind of authority, I think we're asking for more situations where drivers either run into roadworks or are forced to make manoeuvres at the very last minute, which may imperil other drivers on the road, in order to avoid improperly signed roadworks.

I join with my colleague from Etobicoke in urging the minister to respond to that in a positive way. If not, I will then be supporting my colleague in his effort to delete this section until such time as we can have the assurance I'm asking the minister to provide.

**Mr. Acting Speaker:** Is there any other member who wishes to speak? If not, the minister.

**Hon. Mr. Snow:** Mr. Speaker, I must admit I'm somewhat confused. I thought in my introduction of the bill and in my comments five or 10 minutes ago I fully explained the intentions or the effect of this clause. I say, unequivocally, that there is absolutely no intention in any way to delete any of the safety precautions that are now taken.

The ministry is very much aware of the necessity of adequate signing, adequate lighting and adequate safety precautions. For every construction project of any significance, a special slow order is put on and a regulation reducing the speed limit. I am sure the honourable members driving along the Queen Elizabeth are aware that sections of it are now 80 kilometres an hour rather than 100; in some areas where construction is taking place it may be 30 rather than 50.

We have signs reading "construction ahead 4 kilometres" or "construction ahead 2 kilometres" at all these locations. There is no way I would consider any deletion or any easing off of the requirement to sign properly anywhere where there is construction going on. I must say the courts deal with us very severely where there are accidents or where

it is found that we are lax or liable in any way in adequate signing or barricading. We don't like having court cases against us, or people being injured and having the necessity to bring court cases against us.

As I explained, the law now says that where a road is closed, to put in a culvert for instance, it must be signed as "road closed" and have detour signs to divert traffic. That can be very confusing to people and can send them off in the wrong direction if they see "road closed ahead" when all we are doing is having a small roadside detour where traffic follows right through with a very minimum delay.

We don't think it appropriate when we have that kind of detour that we should have to put signs up a distance back from the construction saying "road closed," because that is not right, the road is not closed. The physical road surface may be closed, but a detour or a way of bypassing is provided. It is a minute thing, but it would facilitate the ministry in the regulations and in better informing the public as to what to expect. I can ensure the honourable members it is not our intention to do anything that would in any way eliminate any of the safety precautions that are taken. In fact we fully expect this to improve safety at these sites.

Motion agreed to.

Ordered for committee of the whole House.

#### ONTARIO HIGHWAY TRANSPORT BOARD AMENDMENT ACT

Hon. Mr. Snow moved second reading of Bill 88, An Act to amend the Ontario Highway Transport Board Act.

**Hon. Mr. Snow:** There are a number of items the chairman of the Highway Transport Board has under review at the present time. I expect there will be more amendments to this act perhaps by the fall. These amendments are somewhat mechanical in nature. If members have any questions relating to them, I will be glad to answer them.

**Mr. Cunningham:** I appreciate the comments of the minister with regard to these amendments. During the course of our investigation of the Highway Transport Board annual report and their activities earlier in the year, it became apparent to us, more apparent than I had ever appreciated, that there were certain practices that were customary at the board for which really there was no basis in law at all, which was somewhat disturbing to me. I appreciate what is being done in these three sections that are part of these amendments to the act. I would expect that as time goes by, recogniz-



ing the concerns we have had and industry has had with regard to the act itself, we will see more amendments to the act, both to clarify the function of one of our most important regulatory boards and at the same time to regularize some procedures for which heretofore there was no basis and statute.

I do have a concern with section 3. The minister was kind enough to explain a few things to me with regard to that particular amendment. My concern really is the process of attracting or gaining the confidence of parties to hearings, applicants and respondents to participate in what would appear to be this new simplified procedure. I would sense once the individuals, especially the lawyers, of that small club at the board get to know each member, even the new members of the board, they may have some reticence or some unwillingness to see the chairman bring in one particular member or another to determine a conclusion to a case.

What I suggest might be more effective conduct in the hearing process in the future, might be the consideration that if the hearings are straightforward and simple one individual will hear them, and where they tend to be a little more complicated take the time to add one more individual to the hearing board. I think this is done for Ontario Municipal Board hearings or environmental hearings; certainly it is the custom in the courts on occasion.

I think if that particular procedure were considered it would eliminate the necessity for the provision being made now. At the same time, consent would be irrelevant. If the parties were not happy, I can only say that's unfortunate and the provisions in section 17 would thereafter have to apply. They could reapply or ask for a rehearing. Consent would not necessarily be relevant in that regard. If there were an odd number there would never be a tie—at least nobody would ever admit that anyway.

**Hon. Mr. Snow:** You'd get one on each side and one riding the fence.

**Mr. Cunningham:** I was once told the story about how one member had been sitting on the fence for so long his rear end looked like a hotcross bun. I won't disclose to the minister which that was or what particular case.

I support this particular provision, but I hope the minister will take into consideration the comments I have made with regard to the hearing process, because I think as the hearings get more complicated, if in fact the cartage provisions contained in Bill 89 come into effect and we start to regularize or legitimize the leasing operations, and if the North Bay restriction is removed, I would

anticipate the Highway Transport Board is going to become a busier place. If this particular provision in fact would inadvertently complicate things, and it may, then I would anticipate probably the easiest way of expediting the hearing process at the board fairly and effectively would be to see the panels are constituted with odd numbers of individuals—one, three, five, whatever; although I can't see too many occasions where you'd ever want to have five people on a panel. The minister nods his head and agrees, and I agree too. With that in mind, I support the bill and I see no necessity for it to go to committee.

[5:15]

**Mr. Philip:** Unless there are other members who have different views, I don't see any point in sending this to committee of the whole. I am in support of the bill. I don't have any concerns with section 3. There are safeguards built into it that have satisfied me.

I am pleased to hear the minister say this is just the start of a series of such changes that will in some cases make legal, practices that have been done out of necessity to facilitate the processes of the board, to simplify them if you like. These will now have some basis in law.

I take some assurance and comfort in the minister's statement that other changes are coming in the fall, but I see as major the omission of any kind of section that would require the board to set up a separate section to deal with appeals. This has been a major concern I have had, as the minister well knows. I don't believe anyone, no matter how objective he is, can pass judgement on himself. Nor do I think he can, unless he has a tremendous amount of personal security, and perhaps even aloofness from his fellows on the board, pass judgement on other members of the board with whom he may be sitting on the next case. I think if there is any change the minister brings to us in the fall that would add to these three sections, it would be some change that would divide the appeal process, at least in terms of personnel hearing the appeal from those who have heard it on the original application.

I support the bill. I don't see any sense in sending it to committee.

**Hon. Mr. Snow:** Mr. Speaker, I recognize the point made by the member for Wentworth North. I think this is to deal with a situation that to date has not arisen. Many of the applications are heard by one member, and of course when he makes up his mind and that is the decision. I agree that on



very major cases, it's probably quite appropriate to have three members sit. This does get expensive and it affects the work load of the board. Of course you can appoint more members if you don't mind how much money you spend.

When you go to court, you only have one judge unless you get up in the higher courts. But I still think if I were an applicant and spending a considerable amount of money to put a case forward, I'd feel a little more comfortable if there were two members sitting there and one person's bias would not necessarily totally affect my case. At least you are going to have two people considering it.

I think the present chairman of the board foresees more situations where two members will be sitting. He foresees the possibility of a split decision or not a unanimous decision, and he has asked us to put in this clause to the effect that with the agreement of the parties involved a third member, perhaps one of the vice-chairmen of the board, could under certain conditions sit with the other two members, perhaps reread the transcript, perhaps rehear the final argument—or whatever conditions the chairman might put on the situation—and then make a decision.

If the applicant or the appellant cannot agree on this, then it goes to a new hearing. We are trying to prevent any more new hearings than necessary—having to be ordered.

The honourable member for Etobicoke referred to the proposed appeals section of the board. I must say I have problems with this, too; that is the fact that at the present time an appeal is usually heard by the same member who turned you down or approved it the first time. This is difficult to understand. I have difficulty understanding it.

I am advised by my officials that, I believe in the province of Quebec, the highways board has set up an appeals tribunal, or an appeals section, and they have run counter to the law in some way. I am not sure whether it has been settled yet. I do not have all the legal advice I require to even comment on it properly, but apparently the appeal section of the Quebec board has been challenged in the courts and is sort of in limbo right now, it is not being used. Apparently any appeal panel may be unconstitutional under federal jurisdiction, which is part of the problem as far as the Quebec tribunal is concerned.

Again, this is something that is being looked at very carefully by the chairman and by the legal counsel hired to assist him in reviewing all the procedures of the act. It is something in which I am most interested, as I know the industry is—that is some change or some revised procedure for dealing with

appeals. I assure the honourable members we will be following this up and, hopefully, in due course, we will be back with a recommendation and a further amendment to deal with that matter.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

#### HIGHWAY TRAFFIC AMENDMENT ACT, 1979

Consideration of Bill 90, An Act to amend the Highway Traffic Act.

**Mr. Chairman:** Are there any questions, comments, or amendments, prior to section 10?

Section 1, the member for Nipissing.

On section 1:

**Mr. Bolan:** On section 1, the amendment to 7a, which changes the definition of "driver."

May I ask the minister what brought about this amendment? I can see a situation possibly has arisen in the province where someone who was driving a bicycle, a muscle-powered vehicle shall we say, may have been involved in an accident which caused damage to other people, and I can appreciate the concern which this may have caused. However, personally I prefer to leave the section as it was, because I think it covers the situation. What the minister was trying to do under the old section was to define a driver as a person who drives a motor vehicle for a specific purpose. Then follows a definition of a motor vehicle and that the driver has to follow the rules of the road as they apply under the act.

My questions, which flow from this proposed amendment, are as follows: Does this mean that every person who drives a bicycle is subject to the rules of the road under the Highway Traffic Act?

**Hon. Mr. Snow:** It sure does.

**Mr. Bolan:** Does this mean that if my eight-year-old son rides his bicycle down the street, he is going to be hauled over by the constabulary and given a ticket to appear in juvenile court to face a charge of, shall we say not making a right hand turn around a corner the way he should do under the Highway Traffic Act, which is as closely as practicable to the curb? If that is the case, does the minister have some kind of a program set up to license these youthful drivers of bicycles who, if we follow his reasoning for this amendment, are literally terrorizing the people of Ontario with their reckless and



wanton disregard of the public by careening menacingly down the public roads?

I suppose if that is the case, the minister might want to consider something else. Does it mean that the boy should be issued a license? If he is to be put to the same test as an adult with respect to the rules of the road under the Highway Traffic Act, what about insurance? Doesn't the minister think he should have insurance, if that is the case? If he can't have insurance, doesn't he think my eight-year-old son should contribute to the motor vehicle accident claims fund? In other words, does he realize how nonsensical this amendment is.

**Hon. Mr. Snow:** There sure as hell is a lot of nonsense over there right now.

**Mr. Bolan:** When one gets right down to it, that is precisely what it is. It is absolute nonsense. I don't know who in the ministry dreamed it up, I am sure the minister didn't. I think he is too sensible a man for that. What I can't understand is how somebody back there can convince him that an eight-year-old boy or a 10- or 12-year-old boy is, all of a sudden, hamstrung in his daily operation of driving his bicycle down the road, without getting any kind of safety instruction from the ministry such as is given to all other drivers on the road, who can only qualify for a licence after they have passed a test. Does the minister not see how ridiculous it is?

I go back to what I said before. What about liability insurance? They are a menace on the highway; as such, should they not be required at least to pay into the motor vehicle accident claims fund? I don't think there was that much thought put into it by whoever came up with what I consider to be a lame-brained amendment.

If the ministry is concerned about speeding bicycles, propelled by muscular power, there are ways of taking care of it other than by picking on every eight-year-old kid. What you do is licence certain types of bicycles, such as racing bicycles, those 10-wheelers, or anything with gears.

**Hon. Mr. Snow:** A 10-wheeler is a truck.

**Mr. Bolan:** The minister has lots of gears in his head. Let's see them go into motion for a change. What about the 10-speed bike? Why not licence that? Incidentally, why does the minister not send his draftsmen back and make an amendment to include tricycles? Why not?

[5:30]

**Mr. Worton:** And kiddie cars.

**Mr. Bolan:** The member says kiddie cars. The minister might as well do something very constructive with this amendment instead of

bringing in something silly like this. As I say, I want some answers—some definite answers—about insurance, about this menace on the highways.

Here's something else for the minister to consider. Is it an offence to drive a bicycle on a sidewalk? It is an offence to drive a motor vehicle on a sidewalk. But what about a bicycle on a sidewalk? What about the kid who cannot pay the fine when he is hauled into court? What about the point system? What is the minister going to do about that? While he does not have a licence, he still is liable to be convicted for the same offences as I would be for breaching the rules of the road; yet that eight-year-old child is not subject to the same sanctions as I am in that, once 15 points are taken off, I lose my privileges to ride a bike.

As I say, perhaps we could have some answers on this.

**Hon. Mr. Snow:** Mr. Chairman, I am shocked that the member for Nipissing would offer such an argument. I have always had a high regard for him, and we have had some good discussions on safety in estimates in previous years, but I am absolutely flabbergasted at the argument he puts forward.

I doubt very much that any member in the House realized that at the present time, without this amendment, the rules of the road do not apply to someone riding a bicycle. That has been a situation we have run into in the Supreme Court, apparently, where the judge criticized the draftsmanship of the previous section for not properly defining a driver to include the driver of a bicycle.

As a matter of fact, I have to assure the honourable member that we do not need an amendment; tricycles are included in this.

**Mr. Bolan:** Then it applies to three-year-olds. That's brilliant.

**Hon. Mr. Snow:** I think the amendment is self-explanatory—the honourable member may agree; I certainly disagree with his viewpoint in that someone riding a bicycle, whether eight-years-old or 18 or 80, should have to obey a stop light and should not be able to ride carelessly through a stop sign or a stop light, creating an accident and causing an injury to or the death of some innocent individual who is trying to swerve to miss that bicycle careening across the intersection as the honourable member said.

If he, as a responsible legislator, cannot understand the need for this amendment, then I regret that I have been unable to convince him, but I hope I have.

**Mr. Isaacs:** Mr. Chairman, I do not wish to associate myself with the remarks made



by the member for Nipissing, but I do have a question for the minister that relates to this matter of bicycles.

I fully support the amendment as it is brought forward. I think anything that can be done to stop cyclists ignoring red lights, ignoring stop signs, riding down both sides of the street at the same time, is a move in the right direction.

It has been brought to my attention that a situation exists where a person who is riding a bicycle and who holds a driver's licence may be treated by the courts in a manner that is different from the way in which they treat a person who commits an offence while riding a bicycle but who does not hold a driver's licence. I wonder whether the minister could comment on whether there is a problem if there is a rule if you are convicted of an offence and you happen to be a driver holding a licence you don't need for riding a bicycle.

I think that's a problem and I'd be interested in the minister's response.

**Hon. Mr. Snow:** Mr. Chairman, if it is a problem I haven't heard about it.

**Mr. Warner:** You have now.

**Hon. Mr. Snow:** I don't see why the court would deal any differently with the two individuals. I suppose if a person was an impaired driver of a bicycle he could have his licence suspended, but then he doesn't need it, so it's pointless.

**Mr. Chairman:** Is this on section 1?

**Mr. Roy:** Yes. I've tried to glance briefly at this amendment and look at the Highway Traffic Act and see some of the implications of the amendments. I have to say to the minister that for a responsible minister who's bringing forward legislation, it seems to me you're sloughing off reasonable and very important questions out of hand.

I think there are points raised by my colleague that have some merit. Just because a judge has ruled your legislation does not include a bicycle driver, you make a wholesale amendment in the act by just taking out the word "motor" from motor vehicle. It is a pretty simplistic thing.

I share the concerns expressed by the member for Nipissing and I share the concern expressed by the member for Wentworth. I think the minister has some responsibility to respond to questions.

Every time we pass legislation in this House, as confident as we all are the legislation makes sense, it's logical, and there are no holes in it, by the time it gets out there and is interpreted by the courts inevitably we run into some problems.

If we're legislating in an area where we have concerns at this stage of the game, where we have concerns about the effects of the legislation, it seems to me the minister has some responsibility to say, "We're proceeding in this fashion because there should be no concern." As my colleague from Nipissing has said, is this going to apply to people? It applies, the minister has said, to tricycles. That's obvious from the definition in the act. Is that what we want this legislation to do? Is that the standard of care we're going to have in this legislation?

**Mr. Bolan:** Standard of care for a three-year-old kid. That's bright.

**Mr. Roy:** Mr. Chairman, I am just looking at some of the implications. For instance, if I read section 147 of the act which says about liability, "the owner of a vehicle shall incur the penalties provided for any contravention of this act," here we have a situation where the owner of the vehicle could be a parent, and it could involve a young person who could incur certain of the penalties. The implications are such.

I look at section 140 of the act, which deals with the duty of a person in charge of a vehicle in case of an accident. It says: "Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway . . ." Would that include the young driver? Would the young driver of a tricycle or a bicycle have this type of duty on him? My concern is that I think the minister has some duty to at least tell us that as a responsible minister he has no concern by just changing the word "motor." Surely we're not after the eight-year-old.

I could see circumstances where some of these people who don't respect the rules of the road were wheeling around on a 10-speed bike—

**Hon. Mr. Snow:** What about a five-speed?

**Mr. Roy:** —and I could see some concern if we're talking about adults. Can the minister give us a guarantee that this legislation, for instance, follows normal legislation we pass?

We pass legislation that usually imposes penalties on adults, not on children. It seems to me the points raised have some merit. I haven't sat down long enough to see the contradictions in the amendment with some of the other sections of the act. Hopefully, most of the sections talk about drivers' responsibilities that refer to motor vehicles and not only vehicles. But in this case I'm suggesting you haven't said anything here this afternoon which responds to



the questions raised by some of my colleagues; it seems to me you have a duty to do that.

**Hon. Mr. Snow:** Mr. Chairman, I'm glad someone has started to make some serious arguments. As the minister responsible for this act and based on all the information I have available to me, I have to say I have no doubts whatsoever in bringing forward this amendment.

The honourable member, who is a lot more familiar with the courts than I am, or ever will be, should know that when legislation is challenged in the courts, when there are found to be imperfections, it should be corrected. A Supreme Court judge has found that a biker was guilty of an offence under the act, despite the concern the judge expressed with the definition. The court has ruled that a bicyclist is bound by the Highway Traffic Act.

**Mr. Worton:** He is bound already.

**Hon. Mr. Snow:** A bicyclist or a tricyclist is bound already. I don't know how you separate that in this legislation. I would not be in favour of excepting anyone under the age of 16, 18, 21 or 10 from the rules of the road. They're covered now under the act. The act applies, despite the definition. But I'm convinced the definition should be corrected to eliminate the necessity of more of these cases going to the Supreme Court or somewhere else, for example.

**Mr. Worton:** As an example, that guy out west.

**Hon. Mr. Snow:** I'm not one who wants to lay charges. I think the police are very responsible in dealing with this type of situation. I don't foresee the police going out arresting eight-year-old children who may not make a perfect right turn, as the member for Nipissing suggested. But if a 20- or 30-year-old adult rides his bicycle through a red light, through a stop walk or through a stop street, I think then the law should be clear so that everyone can understand it to deal with that type of an offence.

**Mr. Warner:** I have what I think is a pretty straightforward question following up on what the minister mentioned.

I'm the driver of a bicycle; I go through a traffic light and I'm stopped by the police. Is it possible that if I am also the holder of a driver's licence I may lose demerit points against my driver's licence for having committed the offence of driving my bicycle through a traffic light?

**Hon. Mr. Snow:** It may sound silly, but unfortunately I don't have an answer for

the member. My officials are checking the act. I can't tell you exactly. It's a good question.

**Mr. Warner:** Mr. Minister, I believe the bill you have in front of us today with the amendment makes possible the situation I have described. At some point when we return to this—obviously not today before supper—if we could get an answer to that question, I would appreciate it.

[5:45]

**Hon. Mr. Snow:** I have part of an answer here anyway. Under section 33 of the act, it says: "The Lieutenant Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles."

**Mr. Bolan:** That's a bike.

**Mr. Warner:** No.

**Hon. Mr. Snow:** No. That is the driving of a motor vehicle. We are saying that a driver is the driver of a vehicle, not necessarily a motor vehicle. The demerit point system applies only to the driver of a motor vehicle.

**Mr. Nixon:** That's true. You've got to extend that point system beyond 15 without delay.

**Mr. Bolan:** The minister referred to the fact that if a police officer were to stop a child who is operating his bicycle in contravention of the act, he would not expect him to come down with full force as if it were someone who is 25 or 30 years old.

Frankly, I am appalled that a minister of the crown makes a statement where he invites somebody to supplant the rule of law by the rule of man. That is precisely what he invites. I can assure him that it is a sad commentary in the province of Ontario today when ministers of the crown are advocating that the rule of man take over from the rule of law. There is a distinction. It has been there for many years and there is a reason for it. With the rule of law, one knows that it applies to everybody and that is not left up to the individual police officer on the street or an individual minister of the crown to say when, on whom and where will charges be laid.

**Hon. Mr. Snow:** A terrible, horrendous finger is being pointed at me as if I am the green monster from Loch Lomond or something because I have suggested that I did not feel a police officer would not deal in some reasonable way, depending on the offence.

**Mr. Riddell:** You're just a little green giant.

**Mr. Roy:** Why don't you admit you hate mothers and babies?



**Hon. Mr. Snow:** I would like to ask the honourable member, has he never been given a warning by a police officer?

**Mr. Bolan:** That's not the point. If the minister is concerned about it, put it in the act.

**Hon. Mr. Snow:** I am not prepared to put in the act that any age limit is exempt from breaking the law. In a Highway Traffic Act offence, whether the police officer deals responsibly with the juvenile or not, I have enough faith in the court to deal responsibly with the juvenile.

**Mr. Philip:** I always believe that legislation should be relevant to the people using it. In the interest of science and in the interest perhaps of the minister's enjoyment of his dinner, I have just completed a survey of three bicycle riders, all of whom are pages in the House. They all agree with the minister and all disagree with the member for Nipissing.

**Hon. Mr. Snow:** This will be known as the great bicycle debate.

**Mr. Roy:** Let me point out to the minister the concern that the member for Nipissing and I have about this section.

**Hon. Mr. Snow:** Don't help him out. Speak for yourself.

**Mr. Roy:** Section 152 of the act says: "Every person who contravenes any provision of this act or any regulation is guilty of an offence on summary conviction and where the penalty for the contravention is not otherwise provided for herein is liable to a fine of not less than \$20 and not more than \$100."

That is the penalty section and that is the concern we have.

As I understand the law prior to this amendment, the young bicycle driver we are talking about was exempt because he was not driving what was defined as a vehicle, namely, a motor vehicle. Therefore, it did not include a bicycle.

**Hon. Mr. Snow:** He is not exempt. The court has ruled that he is not exempt.

**Mr. Roy:** It has ruled that he is not exempt? Then why do we need the amendment?

**Hon. Mr. Snow:** May I have the floor, Mr. Chairman? I have explained, I think about four times during the last 15 minutes, that the court has ruled that the driver of a bicycle is subject to the regulations of the Highway Traffic Act. The court also in their decision, I am told, stated that the wording of the definition of the driver was ambiguous and that it should be changed. While bringing in other, important amendments to the act, it was thought that we should clarify the

definition of a driver and that's what we are doing.

The penalty section, I am told according to the act, has no relevance to a juvenile under 16. A juvenile under 16 goes to juvenile court and does not go to the court that would normally handle these cases.

**Mr. Roy:** We knew that the Juvenile Delinquency Act handled that, but in fact, this amendment of the minister's makes it very clear that a vehicle would include anything from a tricycle right on up so that—

**Hon. Mr. Snow:** The amendment doesn't do that.

**Mr. Warner:** It might even be a lawn mower!

**Mr. Roy:** The amendment sure makes it clear. If a five-year-old child was brought forward as a driver of a vehicle and I had looked at the previous definition and it talked about a driver being the driver of a motor vehicle, I would have had doubts that a tricycle was included. I don't know how the judge concluded otherwise; I haven't read that decision. But it's certainly clear now that vehicle includes everything from a tricycle right on up and, under those circumstances, I think the implications are such that the concerns as expressed by my colleague and I are certainly relevant.

This amendment makes it clear. I must admit to the minister I was confused; I thought he was bringing in the amendment because some judicial interpretation of the section had left it up in the air as to whether it was clear or not, but apparently the judge ruled the minister's way. Why the amendment was necessary under those circumstances I don't really know.

Some of my colleagues may appear to be overly cautious or at times even ridiculous, but it's been my experience in this House, in my limited time here, that one can't be overly cautious when talking about legislation. As cautious as we are and as concerned as we are, there are still going to be problems along the way and I suggest to the minister that this amendment is going to be of concern. Not only on the penalty aspect, but on the insurance aspects of highway traffic law.

**Mr. Lawlor:** Listening to the debate, I am beginning to doubt whether the minister has really thought this thing through. The wide definition of using muscular power in order to propel a vehicle, and infants in swaddling clothes being convicted in some court with respect to making an improper left turn, it seems to me boggles the mind a bit.

Maybe the minister is just a little over-weening in his attempt to meet a decision of



the Supreme Court of Canada which is enormously impressive, I am sure, particularly to people in his position. He helped to bring onerous measures to bear upon all the multiple, infantile brains of the province, and all of the children. My Lord, I mean he just doesn't fool around, does he? When he brings in legislation he covers the better part of the universe.

I just don't think the minister knows what he is doing. Isn't it true what members are saying? The minister is expected to meet the objections that are raised. He can't just shrug his shoulders over there, even if he is sitting down, and escape the implications. Standing here and hearing the debate I wish I had spent a little more time studying the legislation. I am sure a strong case and a sensible case could be made—so sensible that it might even convince the minister himself—that in this clause the word “motor” bloody well should have been left in there and not the alteration he is making at the present time.

**Hon. Mr. Snow:** As I see it, I guess the issue we are trying to deal with is whether we should make it plain in the act that the driver of a bicycle is responsible for his actions and is subject to the provisions of the Highway Traffic Act. That is the issue. A doubt has been raised as to whether he is. The court has ruled that he is. We are trying to simplify and clarify the wording of the act by removing the word “motor”.

If the opposition wants to remove that section of the act, I suggest it moves an amendment to remove it. Then it'll be on their heads not on mine.

Interjections.

**Mr. Cunningham:** I wonder if I can speak on this. We have spent the last half hour on it and we are not really getting anywhere. I am concerned about the points that have been raised by some of my colleagues. If I could respectfully submit, notwithstanding what a learned judge has decided, the basis of which I am somewhat unclear about myself, what would be an effective solution to this particular problem would be a more effective and clear definition of what the minister means by a bicycle. With respect, the suggestions made by my colleague from Nipissing would be in order. Possibly the ministry's legal department might give some consideration to looking at some other jurisdiction and seeking a definition of a geared bicycle, et cetera.

While we may be well intentioned here—and I appreciate the minister's concerns, especially insofar as several people have been killed by 10-speed bicycles that have been breaking the law or going at excessive speeds

—I think it's incumbent upon us as legislators to make sure that when this law leaves the chamber it is as perfect as it possibly can be. Some of the hypothetical situations that have been described notwithstanding kiddie car stories, et cetera, as the member for Lakeshore suggested, may come back to haunt us.

If we could prevail upon the minister, because we are not going to get through this bill at this particular point in time, when we resume discussion on this bill, possibly he might have a more clear and more effective definition of what is meant by a bicycle. It's quite obvious to me that that is the intention of his amendment. At that point in time, I am sure we could possibly see that this particular section of the act is passed.

**Mr. Philip:** With respect to the Liberal critic, I cannot find any definition of bicycle in the act, but there is a definition of vehicle. Maybe there is some addition or modification to that definition which the minister's staff may want to look at.

**Mr. Roy:** As my colleague from Wentworth North just mentioned to me, a skateboard would be included under the definition of vehicle right now. It would, if one looks at this definition, because it includes any vehicle propelled or driven by any kind of power, including muscular power. Let me propose a ridiculous situation. I am sure that's not what the minister intends with the act. As I read section 140 of the act, it says: “Anyone in charge of a vehicle must stop, remain at the scene of an accident, render all possible assistance and upon request give in writing his name and address” and everything else. Anyone who contravenes that is subject to a maximum fine of \$100 or jail. Here comes a fellow on a skateboard. He is travelling on a highway, as they often do, and is involved in an accident. Is this the kid the minister wants to be subject to such provisions?

**Mr. Bolan:** You are out to get him.

**Mr. Roy:** I am suggesting he would be. That's my concern and the concern of my colleagues in the Legislature. Don't leave it up to the discretion of the police. The minister says he has a lot of faith in the police and in the law enforcement agency. All we need is one ridiculous situation like that to make not only the minister but all of us look like asses.

**Hon. Mr. Snow:** I have just been handed a note to say that there has been a charge laid against a person riding a skateboard.

On motion by Hon. Mr. Snow, the committee of the whole House reported progress.

The House recessed at 6 p.m.



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Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)  
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Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
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Wildman, B. (Algoma NDP)  
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English  
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**No. 64**

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**

Tuesday, June 5, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

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TUESDAY, JUNE 5, 1979

The House resumed at 8:02 p.m.

## MUNICIPAL AMENDMENT ACT

Hon. Mr. Wells moved second reading of Bill 115, An Act to amend the Municipal Act.

Mr. Epp: Mr. Speaker, does the minister not have any statement?

Hon. Mr. Wells: Mr. Speaker, I did give a statement when I introduced this bill. It's straightforward, and I think, members will understand the import of it. It changes section 505 of the Municipal Act, which was put in to allow a phasing-in of market value reassessment to occur in an area of the province.

It has been looked upon as a vehicle to allow a municipality to phase in, if it has had a section 86 reassessment. Upon close scrutiny it does not lend itself to the desires and wishes of municipalities that have had a section 86 reassessment and may wish to bring in a bylaw to allow phasing-in. It does not have the flexibility to allow that; therefore, we are suggesting an amended version which will have that flexibility.

For those who have not had an opportunity to read the bill, perhaps I could run quickly through some of the distinct changes of this section from the section at present in the Municipal Act. First of all, it removes the responsibility of the minister to give his consent for a municipality to have a phase-in bylaw. Next, it removes the requirement, if a bylaw is to be enacted, that it must be for all the classes of property. It allows a municipality in the bylaw to define the classes of properties—for example, single-family residential, small business, et cetera—where the phasing-in arrangements may occur. In other words, different classes of property may be treated differently under the bylaw; there may be different minimum figures. Although the minimum figures in this piece of legislation are \$50 or 10 per cent of the preceding year's taxes on that property, whichever is greater, the municipality may change those amounts and increase them as it wishes in its bylaw. In other words, there is a greater degree of flexibility as to the kind of phasing-in bylaw that may occur.

Also under this amendment the municipality may finance the phasing-in procedure in one of two ways. It may phase in those whose taxes will go up because of the reassessment by limiting the decreases of those whose taxes would go down so they would phase in over the same number of years as the increases in taxation. Or it may allow the decreases to go to their full level in the first year and phase in the increases of those who would pay more taxes, up to a limit of a five-year period, by assessing as a general levy over the whole municipality the amount necessitated by having a phasing-in mechanism.

There is also a provision in the bill which stipulates that at least 20 per cent of the amount of the preceding year must be reduced in each year in the phasing-in process. In other words, the bylaws passed by a municipality must provide that at the end of the five-year period the increase or the decrease—whichever plan the municipality is using—has completely taken place. In other words, if the taxes go up \$1,000, at the end of the five-year period the property so affected will be paying in the sixth year the complete increase that the section 86 reassessment brought about.

The importance of that section, of course, is that it would prevent a municipality from completely forgiving an increase for a period of years or forgiving an increase in a very small way so that the problem was still there at the end of the phase-in period. Of course, that would completely obviate the whole section 86 reassessment program and the equities it was bringing to that municipality. In fact, that would suggest to me that if that's what a municipality wanted to do it would probably have been better advised not to get into a section 86 reassessment, or we might also say it could be shifting the responsibility to another council at some other time which would have the responsibility when the phase-in period ended.

The other section in this act is one we have removed from one of the other sections of the Municipal Act, from section 636a, which allows a municipality under special circumstances to reduce, refund or forgive the taxes for a variety of reasons under that section, also including at the present time



reassessment. We have taken that reassessment provision out of section 636a of the Municipal Act and brought up into this act a provision that would allow a council by bylaw, under special circumstances for an individual property, to provide in a given year for a cancellation, refund or reduction of the taxes because of the increase attributable to reassessment that amount which exceeds \$50.

The other point I could make is that this amendment makes it clear that business taxes are eligible for bylaws under this section. We believe they were under the original section 505, but some people who looked at the section interpreted it differently. This amendment makes it very clear that business taxes also can be treated in the same manner as the property tax in this section and are eligible for a phasing-in bylaw. That I think is the gist of this bill.

The principle of the bill is to allow a municipality, through a bylaw, to effect a phasing-in procedure for those taxes which have either gone up or gone down under a section 86 reassessment. There have been 14 such reassessments in this last year.

The city of Hamilton, which had a section 86 reassessment, is particularly anxious to bring in a phase-in bylaw. The quicker we can pass this bill the better it will be for Hamilton because they need the flexibility that will be afforded under this amended bill to carry out the phasing-in procedures which they have decided upon and which will be beneficial to the people of Hamilton.

Mr. Epp: Mr. Speaker, I'm pleased to speak to Bill 115, An Act to amend the Municipal Act, which clearly deals with section 505 of that act.

I appreciate that the minister is anxious to have this bill passed. As I understand it, the city of Hamilton is losing about \$6,300 a day by the delay in sending out its tax notices and thereby receiving money from its various property owners. In other words, they have to borrow this amount of money and pay interest on those funds.

Because we appreciate the urgency of the matter and agree with the principle of Bill 115 we will support it, but not without first indicating that an amendment will be made when we get into committee of the whole House.

I appreciate the fact we have before us enabling legislation. In other words Hamilton or any other municipality may or may not adopt it. Thirteen—the minister now says 14, maybe Hamilton is the 14th municipality.

Fourteen municipalities are taking advantage of the application of section 86 of the Assessment Act which permits them to equalize assessments within classes of property owners. Six of those 14 municipalities are in my own region of Waterloo.

I agree that where major discrepancies exist, as they have in Cambridge, Kitchener, Hamilton, and other municipalities, a cognizance should be taken and remedies applied. These are what the present Minister of Revenue (Mr. Maek) and the Minister of Intergovernmental Affairs obviously are trying to do. But they are not enough. What we now need are amendments to section 505 of the Municipal Act, and some of these amendments the minister has alluded to.

Until now, for instance, in order to have a change in assessment and be able to phase in these things a municipality had to seek permission from the minister responsible. We're pleased to see that greater autonomy is being given to the municipalities. In other words, the minister is not only saying he intends to give greater autonomy to municipalities but in fact is doing so, as reflected in this bill by deletion of the section under which municipalities had to apply to the minister to get permission to apply section 505.

[8:15]

If increases are more than \$50 they must be subsidized and the money may be obtained from the same class of property owners or from general revenue. Municipalities may even raise the taxes by more than \$50 or the \$50 limit or a higher figure. This increase may only qualify for assistance if it exceeds 10 per cent of the total amount. I cannot argue or disagree with this particular provision.

We particularly feel, however, that the five-year provision, which permits municipalities only five years in which to phase it in, is too short. I don't want to argue with the fact many municipalities may want to phase it in over a one, two or three-year period. I don't know any that has asked for anything beyond five years, but we on this side of the House, believe municipalities should have the prerogative of phasing in those increases or decreases, over a longer period than five years if they wish. We are suggesting this period be 10 years. Obviously, at some time in the future municipalities will take advantage of it if this House concurs with that amendment. Municipalities will take advantage of that particular section I'm sure.

As I indicated at the outset of my remarks, we will be supporting this bill in principle.



Hopefully, we'll get the concurrence and support of the House in placing before it the amendment I will be introducing in committee of the whole House.

**Mr. Isaacs:** It's a sad day when I rise to speak on this bill.

**Mr. Pope:** Oh, play the fiddle.

**Mr. Isaacs:** The whole matter of property tax reform has been before us for 10 years and we've come to this meagre bill which allows municipalities some very limited provisions to phase in a reassessment program. It is a parody of what reassessment should be all about, and a parody of what a tax system should be all about.

With your indulgence, Mr. Speaker, I'd like to remind the minister of just two sentences that were spoken in November of last year in this House by the former occupant of this seat—I guess he didn't occupy this seat, he occupied a seat down there, but my predecessor representing the riding of Wentworth.

**Mr. Foulds:** A fine representative he was, if I may say so.

**Mr. Isaacs:** He certainly was. That member, in a debate on November 2, 1978 said, and I quote:

"We are having, even now, a transfer of responsibility and in some measure, I suppose, a changing of the whole property tax system. The unfortunate part is that it is no more equitable when it finishes than when it was started."

That, Mr. Speaker, is exactly the situation in which we find ourselves today. We have a tax system which is no more equitable now for residents of the city of Hamilton, or for 13 other municipalities, than it was when the whole business of section 86 reassessments were started under the leadership, the guidance if you like, of this government.

I know the minister is very sensitive about whether it was a municipal decision or whether it was a government decision to permit this to happen. I don't intend to go through the whole background of the promises the government has made with regard to property tax reform. They go way beyond the Blair commission. They go back way beyond the white paper. They go back way beyond the technical committees that have studied and studied this thing.

I want to remind the minister that his predecessor, the Minister of Treasury, Economics and Intergovernmental Affairs, Mr. McKeough, promised many times that we would see an end to the joke we have now and a beginning to some kind of real property tax

reform we could address ourselves to and express our views about.

The consultation the minister indicated happened in regard to section 86 reassessment and with regard to the provisions before us in the bill tonight, I also believe to be a travesty of the system.

I want to remind the minister that it's not that long ago that I was a council member in a municipality that was also approached by representatives of the Ministry of Revenue. Those representatives consulted with the council of the town of Stoney Creek concerning a section 86 reassessment in that municipality. I suspect that consultation was very similar to the consultation that took place in the city of Hamilton when they opted for a section 86 reassessment.

I want to tell the minister that that is not consultation. To take just one example, the town of Stoney Creek has a situation where there are two different assessment bases because it was formed by the merger of two municipalities. When, as a member of that council, I asked the representatives of the Ministry of Revenue what the impact would be on the property taxpayers of the two halves of the municipality, they told me they could not and would not give me that information until the council had voted for a section 86 reassessment, a vote that is irrevocable. I want to suggest to the minister that to pretend that consultation takes place and to pretend that local councils know what they are doing when they get themselves into this situation is just not the way it is.

To return more specifically to the bill before us, Mr. Speaker, which I am sure you'd be happy to have me do, there is a suggestion from the minister that it permits autonomy, or at least some degree of autonomy, to the municipalities to deal with the problems that have been brought about by a section 86 reassessment. Those problems are very serious. We have a situation in the city of Hamilton where the assessment on a multiple-family home as a percentage of market value is nearly double the assessment on a single-family home as a percentage of the same market value. To pretend that what we have has anything to do with market value assessment is really just not fair to the taxpayers of that city or of any other municipality that is involved in this program.

I received from my colleague, the member for Hamilton East (Mr. Mackenzie), a letter which he had received from one of his constituents, a Mr. Reizgys. In that letter the constituent writes: "I am in strong opposition to the proposal in its present form now before Hamilton city council to phase in equalized



assessment. It discriminates against the less fortunate living in multiple dwellings who cannot afford single-family homes or higher rents, by giving the full benefit of any reduction to single-family homes and duplexes immediately, while reductions on multiple-unit residences larger than duplexes, on which taxes went down more than 20 per cent, are to be phased in and, undoubtedly, would result in unfair rents to tenants."

That's the situation we have for just one class of property dwellers in the city of Hamilton. The same thing applies in slightly different ways to residents and occupants in all classes of property. Phase-in is the only way to go to get us out of the mess we're in in the short term. But I would hope that the minister—and he is a relatively new minister in a portfolio that holds some promise—will give us a commitment tonight that proper property tax reform will see the light of day and will be implemented in this province before he leaves his present post as minister, because I really think it's that important, and he might not have too much time left.

**Mr. Nixon:** Time is running out.

**Mr. Isaacs:** Judging by the votes in Wentworth riding not too long ago in that part of the riding that is most seriously affected by property tax assessment, his party and his government don't have too much support for the things they are doing.

The joke that is before us to permit municipalities to deal with this situation as they see fit really can't be let stand as it is. We have in this bill a detailed proposal as to how a municipality should phase in property tax problems that are caused by section 86 reassessments. The minister may say, and probably will say, there is flexibility in the bill. In fact, by the way the guidelines are laid down and by the way the percentages are specified, particularly in the latter part of the bill, we are telling municipalities what they should do about phase-in, and yet the government is not providing them with any financial assistance to get them over this very difficult period.

The legalese, the verbiage contained in this bill to me is incredible. I particularly draw members' attention to paragraph (b) of subsection (4) in section 1 of the bill. If the general public were to read that and try to interpret what is going on—"greater and lesser percentages or both," et cetera—it really is tying down municipalities in a way I find totally unacceptable.

Because the city of Hamilton needs these provisions desperately, as the minister and my colleague the member for Waterloo North

(Mr. Epp) have indicated, we are going to support the bill on second reading. But the bill is not specifically for the city of Hamilton in 1979. It is a general bill which may remain on the books for a long time to come. If the Ministry of Revenue continues to encourage, directly or indirectly, municipalities to involve themselves in this mess, then we need a bill which doesn't just deal with the Hamilton situation but which deals with situations that may arise a long time in the future.

We in this party believe in municipal autonomy. We believe there are certain things local government should be involved in and certain things the provincial government should be involved in. This bill blurs that distinction quite incredibly. Therefore in committee stage we are going to be moving amendments which remove the strictures this bill places on municipalities. They will say to municipalities in the clearest possible language: "Section 86 is your responsibility and phase-in of section 86 problems is your responsibility, go about it however you like." Those four amendments I have already transmitted to the minister. In a sense they form a package, though any one of them could stand by itself.

While we will support the bill on second reading and while we will take a good look at it during committee stage, we want to assure the minister now that because of the long-term implications of this bill, because it ties down municipalities in a way we find totally unacceptable, our support of this bill on third reading will be conditional on passage of our amendments at committee stage.

We are not at all happy to be here this evening dealing with this matter. We are not at all happy the tax problems in Ontario have degenerated to this kind of thing. In addition to agreeing with our amendment, we hope we will get a commitment from the minister tonight that the phase-in programs that are implemented now by the city of Hamilton as a result of this bill, and perhaps by other municipalities, are only a temporary thing. We hope he will give a commitment that all municipalities can be promised that tax reform will be a very high priority for his ministry, and for the ministry of his colleague the Minister of Revenue, and that we can get in place a tax system for the property taxpayers in Ontario that is equitable, fair and long standing.

Thank you very much, Mr. Speaker.

**Mr. Nixon:** I am very glad the honourable member for Wentworth expressed his views on this bill, since I recall participating in some minor degree in the by-election campaign that resulted in his election.



**Mr. Cooke:** Your work produced this result.

**Mr. Nixon:** One can describe his comments with any adjective one chooses, however we have gone through the congratulations to the honourable member.

[8:30]

I do recall that the matter he referred to in his remarks just concluded were very much an issue in the by-election. The matter was raised here in the House and on the hustings in Wentworth about the commercial premises on Centennial Parkway. Some of the more glaring statistics were brought to the attention of the Minister of Revenue at the time, but not to that of the Minister of Intergovernmental Affairs. They were certainly startling, the results of these changes would mean. I think it was the well-known Volkswagen dealer in the area who ended up by paying the largest commercial assessment for a car dealership in Canada. It was far larger, for example, than the taxes paid by a similar dealership here in Metropolitan Toronto, which brings it home to the honourable minister. I sometimes think that his interest and purview doesn't extend much beyond the interests of the Metropolitan chairman. That may be incorrect, but his lackadaisical approach to the so-called intergovernmental problems of the municipalities sometimes makes me wonder.

However, my colleague, the member for Waterloo North, has indicated that we will support the bill in principle. He indicated that we to have an amendment, which we hope will be accepted by the House, which in many specific ways will even ease the transition more than the amendment put forward by the minister. As a matter of fact, it will just double the easing; but we'll get to that when we're in committee.

I do believe that it is certainly an important improvement that the decision is left to the municipalities whether or not to avail themselves of the usefulness of this amendment. I think that it should be so, rather than on application to the minister. I believe the decision should be with the municipality.

I was interested in how the stretch-out of the change would be paid for. Obviously, if it's going to be paid for locally, which I believe it will be and in fact must be, then paying for this stretch-out is simply going to mean an increase in the overall taxes of all the taxpayers. Something that concerns me under the provisions of this bill, although I haven't discussed it in detail with my colleague who is our official spokesman in this connection, is that the municipality may in its wisdom allocate the additional costs on one class of taxpayer rather than on another.

I suppose if we have confidence in the wisdom of the elected municipal officials—which of course we do, I'm sure everybody does—then I suppose the justification for that change lies in that confidence.

There is a matter that perhaps might be raised in committee, but I thought that I should raise it now. The bill will apply to all municipalities that avail themselves of a section 86 rationalization and not just Hamilton. There is a very progressive municipality in my constituency, the township of Burford, which has been undergoing a section 86 reassessment. I think it has been reasonably successful, so much so, that some rural municipalities and some mixed urban-rural municipalities in the area surrounding Burford have been watching with a great deal of interest as to how the changing taxes will be applied in Burford.

In one instance, there is a matter I brought to the attention of the minister by letter. Under the postal system administered by Joe Clark it probably hasn't reached him yet.

**Mr. Ashe:** It will get better soon.

**Mr. Nixon:** I thought I would mention it and I'm the first to mention it. It may be mentioned during, let's say, the next 14 months until we return to normalcy.

I did want to indicate that when some of these municipalities are examining the section 86 alternatives, they feel they are not in possession of all of the facts that would assist them in making that decision. I am far from an expert in this, as well as many other subjects, but I am told that an application for section 86 reassessment should be in the hands of the ministry by the end of June for the upcoming round of reassessment. The officials in some of these municipalities, who are observing with interest the example established in the municipality of Burford, are saying that the ministry through its computer capability is prepared to deliver to these municipalities new taxation equalization factors, particularly in regionalized areas such as the regional municipality of Haldimand-Norfolk. Unfortunately, this additional information is not available until July.

It is very difficult to communicate the view of the local council by the end of June on a decision which in many respects is based on information which would not normally be available until the following month.

I say again, that I am anything but a professional in these matters. It really is more esoteric than neurosurgery or even the finer points of the law—and we have an expert in both those areas in one large corporate body



who, as he indicates with his upraised hands, is sterile in all respects.

**Hon. Mr. Elgie:** I can certainly help you get that way in a hurry.

**Mr. Nixon:** Not all respects, not all respects.

**Hon. Mr. Elgie:** An easy little operation.

**Mr. Nixon:** I thought it would probably be a suitable time, with your concurrence Mr. Speaker, to bring this small problem, this anomaly, to the attention of the minister. Certainly the principle, the intent of this bill, is to make the section 86 changes as palatable to the local taxpayers as possible. It would be a small extension of this principle, in my view, for the minister to at least give consideration to the problem I have tried to express to him. Along with my colleague who has spoken, and the member for Wentworth (Mr. Isaacs), I think that the whole matter of municipal tax reform and rationalization has been chaotic since assessment was brought under the control of the provincial authorities back in 1971. We expressed our substantial opposition to that concept at the time, and I would say to you that our predictions, which I am sure the minister will recall, have been certainly borne out in the events of the subsequent years. But I agree this bill goes only a very small step toward providing a very mild amelioration to the taxpayers who are subjected to the rather wrenching changes that the application of section 86 imposed upon them.

**Mr. M. N. Davison:** Mr. Speaker, perhaps you can help me. After listening to the previous speech, which stretched from the post office to neurosurgery, I wonder if it would be in order to speak about property taxes and property tax reform in Hamilton.

**Mr. Nixon:** Are you criticizing the Speaker in his role of keeping the order of his House?

**Mr. M. N. Davison:** No, no; I just thought it was a remarkable contribution to the debate.

The need for this kind of legislation is another fine reason and another example of why the Conservatives don't have a single seat in the Hamilton-Wentworth area, and let me tell you—

**Mr. Nixon:** Your presence will probably correct that in the future.

**Mr. M. N. Davison:** —that Bill 115 is not going to sweep them to power in Hamilton Centre. But that is okay, don't worry, the Liberal position is twice as bad, going from five years to 10 years.

The question that occurs to one in looking at this bill is how on earth did we ever get

here. The government has been talking about property tax reform since at least 1967 in the current round; and look at the studies, look at the money they have spent on it. To name just a few of them, for the edification of people who may one day read this debate, I am sure all members recall the report of the Ontario committee on taxation, 1967, the Smith committee; the report of the select committee of the Legislature on the report of the Ontario committee on taxation, 1968, the White committee; the report of the committee on farm assessment and taxation, 1969; the report of the committee on golf course assessment and taxation, 1972; and the report of an intergovernmental working group on real property tax exemptions, 1974; not to mention the most recent report of the commission on the reform of property taxation in Ontario. The government has studied it and studied it, and still we have come to this.

In every election since the early 1960s, and no doubt a long time before that, members of this House have talked about the need for property tax reform. In every municipal election I can remember, politicians of all stripes have talked about the need for property tax reform, and still the government fuddles about. It has studied it and restudied it; and then has postponed it and forced situations like the one it is trying to correct, or has to try to correct this evening with this bill. Ever since I've been in this House, and longer, the government has failed, on the question of property tax reform, to accept any new ideas, and the minister has lacked initiative of his own.

The member for Wentworth talked about the former member from that fine riding. I can recall, I think it was in November of last year, when Ian Deans put forward a private member's resolution in this House that would have brought about some kind of real property tax reform in Ontario. What happened? The government members blocked it from coming to a vote so we in the Legislature could express our will on that issue.

In this particular case of the problem we are having in Hamilton, the government has tried to play both sides of the issue. The Premier (Mr. Davis) was sent off to Hamilton at the end of March, and he went on about his willingness to agree to a phase-in if only the city of Hamilton would come, cap in hand, to the provincial government. It was a phase-in without any provincial money. The city came, and then we waited and waited. Every Wednesday afternoon the citizens of Hamilton and the politicians in



Hamilton sat with their ear to the radio to find out whether or not the cabinet had finally decided to let the city bring in some sort of phase-in program. Finally, they are getting Bill 115.

The problem we have in Hamilton is a very real problem; the solution the government has put forward is, frankly, anything but real. It is at best only temporary. The bill we have before us, Bill 115, must be amended tonight if it is going to deal with the problems, particularly those in Hamilton. We are going to support it because we want to see some sort of solution over the short term; ideally the best kind of solution we can find over the short term for those problems in Hamilton. With that in mind and for purposes of debate so the New Democratic Party can propose amendments that will patch this up as best we can, we are going to be supporting it so we can get into committee.

The government, though, must understand that no matter what the results of the debate and vote tonight, this issue is not going to go away. It is not going to disappear in Hamilton or in any other community in this province. The government must bring itself to institute some sort of rational property tax reform system. The government's course is nothing short of foolhardy, and I suggest to the minister it is one he is going to have to alter in the near future.

**Mr. Swart:** Mr. Speaker, I want to rise to speak on the principle of this bill, I guess largely to echo what was said by the member for Wentworth: that this bill in itself is rather an innocuous bill; it is a bill which will slightly improve the situation which exists now. Looking at it in the whole perspective of what has taken place in the last 10 years in the assessment field and the property tax field, it is quite frankly a pitiful bill. It is a testimony, I say, to a government that has been wholly inept in this area. In fact I would go even a little further; it is a testimony to a government that has to some degree been cowardly in proceeding with necessary tax reform in this province.

In fact, this bill is almost the final link in the complete cycle. Back in 1969, when the then Treasurer—or Municipal Affairs Minister at it was at that time—the honourable Darcy McKeough, introduced the Assessment Act that was going to bring in market value assessment and total tax reform, he said it was part of the package that was going to provide equality in taxation in this province.

[8:45]

I would like to quote what Darcy McKeough said when he introduced that bill away back on June 25, 1969: "This particular bill constitutes the most significant revision of the Assessment Act since 1904 . . . The revised Assessment Act is one of the two major steps that are essential in order to achieve a sound and thorough reform of assessment in Ontario. The other step is the transfer of the assessment function from the municipalities to the province, a changeover that is due to go into full effect next January 1. Together, these two actions are designed to establish the cornerstone of the reform of our system and structure of local government."

Ten years later the tax reform has been killed in total, or almost in total—I would say "in total" is not an unfair terminology. Under this bill and under the bill we had last fall, even the responsibility for the assessment system—perhaps we could put it another way and say the blame for it—is being turned back to the municipalities.

There is no question that there has been something of a struggle between the municipalities and the Ontario government with regard to responsibility for the assessment program. Changes in assessment have never been popular. When the government said it was taking over the assessment system in 1969, the majority of the municipalities and municipal associations said they were in support of that—not all of them; some of them had some regrets—because they could see that they were moving some of the responsibility and the blame on to the provincial government. They recalled reassessment programs that had taken place in their counties and municipalities and had been terribly unpopular. Half the people or the two thirds of the people who get a reduction think that's great, but the one third or the one half who get an increase make a lot of noise about it and are very unhappy; it's a rather unpopular thing to do.

The majority of municipalities were rather happy to see that go to the province. The province, under the Hon. Darcy McKeough, took that on with some enthusiasm. But that enthusiasm waned and, of course, the announcement was made last year that it would be abandoned. The municipalities were very unhappy about that at that time, and rightly so, because reforms were needed and proposals were being made for those reforms. Now they are finding that not only are no major tax reforms being made in the assessment system, but the blame is also being shifted back to them.



Under this bill the municipalities are going to have the responsibility of determining whether or not the assessment changes and the tax changes are going to be phased in. But the bill we had last fall determined, as does the policy of the government, that the municipality must request this or there are no changes. The total responsibility has been shifted back to the municipality. If changes are made in the assessment system now, they are only made at the request of the local municipality. Regardless of the injustices that there may be, the changes are made at the request of the local municipality and the phasing-in that goes along with it has to be made at the request of the local municipality.

I say to the government that the main reason this has been done is for political expedience; it gets the blame off the government. But it doesn't solve the basic problem with regard to assessment and the injustices that remain. I may say that this party had some courage last fall in proposing to the government that it should proceed with the tax reform system. We expressed a willingness to work that out with the government, but the government didn't have the courage—

**Hon. Mr. Wells:** After you knew for sure we wouldn't go ahead.

**Mr. Swart:** We proposed that when the government was still vacillating last fall. The minister hadn't told us at that time he was abandoning it.

**Hon. Mr. Grossman:** What's your position today, Mel?

**Mr. Swart:** We will support this bill as a Band-Aid approach to do something to heal the system we have at the present time.

**Hon. Mr. Grossman:** And you have the solution.

**Mr. Swart:** But to us it is a poor, weak and cowardly alternative to the kind of tax reform we need in this province.

**Hon. Mr. Grossman:** You have the solution?

**Mr. Haggerty:** Mr. Speaker, I would like to address myself to this amendment to the Municipal Act and Bill 115.

I noted in the explanatory notes of the act this will put some of the onus on the municipalities to set their own tax rate as it relates to re-evaluation of property tax if they apply section 86 of the Assessment Act.

I remember well that when section 86 was discussed here last year I said there would be a number of difficulties that would arise in a municipality that was applying section 86 of the Assessment Act. I said the minister at the time would have to bring in other amendments to other acts to reduce the large in-

crease in taxes on certain properties that would have increased substantially through section 86 of the Assessment Act.

I can well recall the position put forward, not only by myself but by other members, that the government is at fault for not bringing forth market value reassessment in the province much earlier. We had disapproved of the measures whereby the government had frozen the assessment for a period of almost 10 years.

I still don't think this is going to remove the inequities that exist within a municipality. Anybody who has had municipal experience will no doubt acknowledge the serious problems there are with any reassessment that takes places in a municipality. There are a certain number of inequities. It has been expressed in different reports, for instance the Smith report on taxation back in 1965, and it has continued right up until this day. There are inequities in assessment in municipalities and I don't think this legislation changing section 505 is actually going to remove any of the inequity that is there.

The municipality may say they'll spread it out over a period of five years so there will not be that serious an impact from the substantial increase in taxes that may amount to \$100 or \$150 a year. Perhaps it can be spread out over a period of 50 years. But a five-year period is when reassessment should take place again within a municipality to pick up new inequities that may come about. I'm sure anybody in the field of assessment, particularly an assessor, is well aware that this is what happens in municipality. The longer you delay reassessment in any municipality the worse the inequities become. I suggest to the minister that five years is a good average to take in this area for re-evaluation.

I don't know how one is going to get around the difficulties that are there. There is a serious problem and it will remain even after this amendment to the Municipal Act.

It's going to take courage by the government, or even by all members of the Legislature, to bring in some form of equity in assessment in Ontario. These half-baked measures I don't think are going to solve the problem.

I suggest we should get on with it in almost every municipality and bring forth some measures of market value assessment.

I don't suggest that market value assessment is having it assessed at 50 per cent of market value. Assessment on the old method used in the Niagara Peninsula was about 33 per cent of market value some 15 years ago. I suggest this is an area that the minister should be looking at.



Maybe 50 per cent of market value is a little bit too high. Perhaps he should start at about 30 per cent and then gradually phase it in with an annual two per cent increase over a period of five years, bringing it up to at least 40 per cent. I think that's one way that we can remove the inequities that are there.

It's difficult for any person to understand that where persons are not carrying their load in municipal taxes there is going to be a substantial increase, because that's why you have market value reassessment. It's for that purpose. It's for those who are not paying their fair share of the municipal tax base. I suggest the minister should be looking at that.

There is another way we can look at a substantial increase in assessment on reassessment. Another measure is to alter the mill rate in the municipality. I don't see this mentioned in any of the proposals for market value assessment. What is a municipality going to do in this particular area? We can have an increase in market value assessment on reassessment, but there is no commitment from the municipality that it is going to lower the mill rate. Perhaps that's an area that the government should be looking at where there is a problem in assessment in certain municipalities.

I suppose we have to support the bill in principle, but I hope the minister will take a look at some of my comments.

**Mr. Nixon:** Here's the assessor responsible for it all.

**Mr. Charlton:** That's right. I'm the assessor who is responsible for it all.

I would just like to start out, Mr. Speaker, by reminding the Minister of Intergovernmental Affairs of something he seems to be attempting to forget completely in this bill and with the actions that the government has taken under section 86.

In 1969 and in 1970, and a number of my colleagues have expressed it in slightly different terms, his former colleague, Mr. McKeough, said, and said quite clearly—

**Mr. Haggerty:** Are you talking about assessors now?

**Mr. Charlton:** —the province was taking over property tax assessment because the municipalities weren't capable of dealing with it any longer in terms of fairness, in terms of reform and in terms of uniformity. So the province took it over to achieve fairness, equity, uniformity and reform.

**Mr. M. N. Davison:** Remember that, Tom?

**Mr. Laughren:** Good point.

**Mr. Charlton:** Now the Minister of Intergovernmental Affairs is saying to us through this bill and through his refusal some two weeks ago to provide any provincial moneys for phase-in—

**Mr. Laughren:** What a chicken heart.

**Mr. Charlton:** —that this government is not responsible for what happened in Hamilton, the municipality made the choice. And yet in 1970 that's exactly what the government said the city of Hamilton was not capable of doing—or any other municipality in this province for that matter.

**Mr. Laughren:** Exactly.

**Mr. Charlton:** It's absolutely disgusting to me, Mr. Speaker, that we have to be here tonight dealing with this bill. The province said the municipalities didn't have the responsibility, the know how, or the wherewithal to properly do what Hamilton is presently attempting to do to clean up the mess in property taxation. The province said that quite clearly; McKeough said that quite clearly. Now this Minister of Intergovernmental Affairs is telling us that this is something that Hamilton has done; they made that choice on their own.

I might even point out to the minister that although it wasn't he himself who responded to a press statement which I and my colleague from Wentworth made some two weeks ago—it was the Treasurer (Mr. F. S. Miller) who responded—the Treasurer responded that the municipalities had had it made out to them quite clearly what this assessment equalization would mean. That's balderdash, Mr. Speaker. It's just a lot of garbage.

[9:00]

Those municipalities that went for the equalization last summer, and those municipalities that were approached and did not go, like the sister municipality in Wentworth, Stoney Creek, were not informed accurately at the time last summer when they were first approached what equalization would mean. In fact, they were given estimates of what kinds of properties would go up and what kinds of properties would go down and they were given estimates of the average change. They were in no way fully informed of what the extremes would be. Even after the job was finished this March and before the notices went out, the documentation that was presented to Hamilton city council did not indicate in any way, shape or form—and I have been through it quite carefully—what the extreme shifts would be and what were the real problems that were being created. That didn't become apparent until after the assessment



notices were in the hands of the taxpayers in the city of Hamilton.

**Mr. M. N. Davison:** What has the government got against Hamilton?

**Mr. Charlton:** We have this government presenting us with this kind of a bill and refusing to put up provincial money to phase it in; totally shirking its responsibility, a responsibility which it took in total, 100 per cent, 10 years ago.

**Mr. Laughren:** It was a power grab.

**Mr. Charlton:** It is total avoidance of responsibility. The minister has before us a bill which in a number of instances mentions classes. How are we going effectively to deal with classes of property, in any municipality in this province, when they are not properly defined anywhere? This provincial government has the responsibility for assessment, I think that's quite clear; but there is no provincial definition of the classes it is talking about anywhere in legislation or in regulation.

The definitions that are in effect in the Hamilton instance are definitions that were sold to Hamilton city council by the assessment commissioner for the Hamilton-Wentworth region. The assessment commissioner in the city of Toronto is preparing a similar proposal for the city of Toronto to equalize under section 86, but his definition of classes of property are totally different from those definitions used in the city of Hamilton. His classes are much more specific and much smaller. What it boils down to is that they are broken down into different classes altogether.

The effect of this bill at some point in the future will be totally different in its application in the city of Toronto from what it will be in the city of Hamilton. I know that the Minister of Intergovernmental Affairs can't answer this question for me, but at some point perhaps he can ask his colleague—the Minister of Revenue (Mr. Maeck), who it was who set the definitions for the classes. Who was it decided that in the case of multiple-residential apartments a different factor would be used because the shift would be enormous if it was not, but in the case of developed and serviced residential property, and in the case of undeveloped, unserviced residential property, the same factor would be used for both even though the same criteria for making a difference existed between single-family residences and multiple residences?

Who made that determination? Who decided what the classes would be? Who sold the bill of goods to the Hamilton city council? I think I know the answer. It was the Hamilton-Wentworth assessment office. Where

is there a provincial policy that defines what this piece of legislation will cover? There isn't one anywhere. Let me tell the minister that the problems of equalization in Hamilton and the problems of phasing in the tax increases that result from equalization would be nowhere near as great as they are if the classes used in the city of Hamilton, the classes the minister refers to in this bill, had been defined somewhat differently so that unserviced land could be dealt with in a category of its own, in the same that multiple-residential properties and commercial properties are dealt with in a category of their own, while industrial properties are dealt with in several different categories, depending on whether it involves heavy, light, strip, industrial park, and so on.

It seems to me we are into a situation in this bill where, although 10 years ago the province said it was the only institution in Ontario that had the wisdom to deal equitably and uniformly with assessment reform, today the government is saying the municipalities have to take that responsibility upon themselves, but at the same time this bill will tell the municipalities what they can and cannot do in terms of dealing with the problems created by equalization.

That is just a ridiculous situation for us to be in. Either the municipalities have the responsibility and have the wherewithal to deal with assessment reform or they don't. If they don't, this government should be taking total responsibility for that reform, and they are not. If they do, which is what the minister is now telling us, if they are the only ones who will have the right to deal with assessment reform, then those municipalities should also have the right, the open right, the complete right, to decide how they are going to deal with whatever problems evolve as a result of that equalization.

They should have the total right, the completely free right, to decide how they wish to deal with phasing in excessive increases or excessive decreases as the case may be. Certainly they shouldn't have the province telling them on the one hand if they want to fix up the assessment problems in their municipality they have to decide how they are going to do it, but they can't decide how they are going to deal with whatever problems or excessive increases result from that. This bill should be opened up.

I would much prefer to see the Minister of Intergovernmental Affairs refer back to the responsibility this province took for property tax reform and assessment reform and think seriously about the statements made in the past; think seriously about where this govern-



ment's responsibility should be now in the financial crunch. That responsibility is to come up with the money to do the phase-in so the people in Hamilton, who have been overtaxed for the last 10 or 15 years, don't also have to get their decreases phased in, so they can get the total and full effect of their decrease now, whether they be in a residential home, an apartment or commercial and industrial property, so they can receive the full impact of that decrease now and are not further penalized after having been penalized for a full 10 or 15 years already.

The provincial government is the institution in this province which has failed to live up to its promises of property tax reform. The provincial government is the institution in this province which should be taking responsibility for the consequences of a program which this government's Ministry of Revenue is actively selling in municipality after municipality across this province today.

It is not as if the Kitchener-Waterloo region or the city of Hamilton came to the province with particular schemes which they implemented or dreamed up in their own heads. There are very few municipal councils who understand the intricacies of property tax assessment. The schemes those municipalities implement were schemes recommended and sold to them by assessment officers, assessment officers of the assessment division of the Ministry of Revenue. They didn't go out and dream up these schemes; they were packages put together by this government. This government should have the guts to deal in a responsible way with the consequences of the package they put together and implemented.

**Mr. Laughren:** As usual, I will be extremely brief. I always notice when we talk about a bill dealing with property tax reform in general, or assessment in particular, that when the member for Hamilton Mountain gets up to speak there is a collective quivering among the Conservative members over there, because he has more knowledge about assessment and property tax reform than all of them combined, including a couple of the ministers responsible for the subject area.

**Hon. Mr. Grossman:** It wasn't quivering, it was snoring.

**Mr. Laughren:** If that is not true, I want to hear the minister's response to the particular questions raised by the member for Hamilton Mountain. I would like to hear the Minister of Intergovernmental Affairs respond to the particular questions he raised.

**Hon. Mr. Wells:** I am going to answer.

**Mr. Laughren:** I will bet you, Mr. Speaker, the minister won't even have the answers to

these fundamental questions raised by the member for Hamilton Mountain.

**Hon. Mr. Grossman:** Let alone the frivolous ones.

**Mr. Laughren:** Let me be specific. The member for Hamilton Mountain said to the Minister of Intergovernmental Affairs, through you, Mr. Speaker, that more than 10 years ago the government said to the municipalities of Ontario, "You can't administer the assessment of the province of Ontario in an equitable fashion, therefore we're going to put you out of your misery. We're going to take assessment off your hands and we're going to put it into the Ministry of Revenue."

**Hon. Mr. Grossman:** What was your party policy then?

**Mr. Laughren:** Well, I want to tell the minister what our policy is right now.

**Hon. Mr. Grossman:** No, I want to know about them. What was your party's policy then? I know you've got a different one now.

**Mr. Laughren:** No, no, last fall in 1978—

**Mr. Ashe:** How about 1971?

**Mr. Laughren:**—this party laid before the government our proposals for property tax reform. That's what we did. And the Minister of Intergovernmental Affairs says, "Oh well, you did it after we'd taken a position." What a lot of nonsense.

**Hon. Mr. Wells:** Oh, you know that is true.

**Mr. Laughren:** The minister—

**Mr. Pope:** What was your position in 1970?

**Mr. Laughren:** Are there any time limits on the introduction of government legislation? I don't think so.

**Hon. Mr. Grossman:** Why did you change your policy?

**Mr. Laughren:** The minister can introduce legislation dealing with property tax reform any time he wants. He knows we were at least direct and honest enough to put before the government what we would accept in the way of property tax reform, which is more than the Liberal Party did. There were guarantees in there for residential property owners and for the small business community, but beyond that there was no reason why this government could not have accepted our proposals for property tax reform.

That was in the fall of 1978. We have not changed our position on our demands for property tax reform. There's no reason.

**Hon. Mr. Grossman:** For one whole year you have not changed your position. Not a bad record. Better than the Liberals but still pretty bad.



**Mr. Laughren:** Well this government has changed its position. A year ago the Conservative government promised the province of Ontario property tax reform in the form of market value assessment. It was in the budget speech of 1978 and the Minister of Industry and Tourism has the nerve to say that we haven't changed our position in over a year. Well, what has his government done with the position of property tax reform?

**Hon. Mr. Grossman:** Twelve months is pretty good, Floyd. Twelve months is pretty good.

**Mr. Laughren:** He has totally and deliberately misled the people of the province of Ontario. That is what he has done.

**Hon. Mr. Grossman:** Don't say that, it will have to be withdrawn. Don't say that.

**Mr. Laughren:** The former Treasurer said to the people of Ontario, "It's gone on long enough, we've had 10 years and we've spent millions of dollars on the reassessment program in Ontario. It's time we got down to it and brought in property tax reform." What did the government do? Why is the former Treasurer not here today. He's not here today because that caucus told the Treasurer at that time, "We will not accept your proposals for market value assessment."

**Hon. Mr. Grossman:** Why isn't Ian Deans here today?

**Mr. Laughren:** That's exactly why Darcy McKeough doesn't sit in the front bench today. That's why he sits on the board of directors of Noranda Mines, rather than in the cabinet of the Tory party in Ontario.

**Hon. Mr. Grossman:** Where are Ian and Stephen?

**Mr. Laughren:** Well, it was not because of revolt within this caucus—

**Hon. Mr. Grossman:** No, it was because of your leader.

**Mr. Laughren:** —like it was with Darcy McKeough.

**Hon. Mr. Grossman:** Your leader lost the support of his caucus.

**Mr. Laughren:** Darcy McKeough at least knew there had to be property tax reform. He knew it was a bitter pill, but he knew he had to grasp the nettle and bring in property tax reform and when that bunch of chicken, lily-livered Tories said, "We will not accept that because it will cost us votes in Metropolitan Toronto," Darcy McKeough said, "Yes, you either accept my proposals or I am out." Guess what? He was out.

**Hon. Mr. Grossman:** Guess what? You are dead wrong.

**Mr. Laughren:** I am oversimplifying it, but nevertheless, that really was his scenario, a year ago. That was the scenario and that government over there has not had the courage to implement property tax reform which they have been promising for 10 years. They haven't done it and it really is dishonest to have, 10 years ago—

**Hon. Mr. Grossman:** Careful, Floyd. Careful.

**Mr. Laughren:** It's dishonest. It's plain and simply dishonest for the government to have taken away from municipalities the responsibility for assessment under the guise that they couldn't administer it equitably and then simply abandon the cause themselves.

**Hon. Mr. Grossman:** If Evelyn were here I'd make you withdraw that.

**Mr. Laughren:** The government has a tough job to justify what it has done. I want to tell you, Mr. Speaker, that the mess continues in property taxes in Ontario and if the members over there had the courage of their convictions—if they had convictions—they would be the first to say—

**Hon. Mr. Grossman:** Do your members have a lot of convictions? How about Renwick?

**Mr. Laughren:** —they would be the first to say, "We'll sit and we'll wait for the amendments that are going to come to this bill." While we are supporting it on second reading to get on with the amendments, they would say, "Well in that case we will look seriously at the amendments and we will accept them as you bring them forward on the merit of the amendment"; in which case the minister would accept them all.

[9:15]

**Hon. Mr. Wells:** Mr. Speaker, it has been a very interesting evening. I have listened to a lot of fairy tales and interesting suppositions from the other side of the House.

I want to deal first with the comments from my friend the member for Brant-Oxford-Norfolk (Mr. Nixon), who I think made some valid comments on this bill. I just want to indicate to the member before he leaves that I think the point he made about the Ministry of Revenue asking for requests to be in by June—and of course, the new equalization factors will be out in July—is a very valid one, and I am going to discuss it with my colleague. I do not know whether municipalities got all the information they wanted last year when they undertook section 86 reassessments, but they should have all the information. We will do everything possible to make sure they have that this year. More than 100 have already applied for section 86



reassessments next year; they should have the information, and we will do everything possible to make sure that they have it.

Let's talk a little about some of the things that the members opposite have talked about. Everybody over there, in both opposition parties, breathed a sign of relief when we decided not to go ahead with market value assessment. They all breathed a sigh of relief and said, "Thank goodness, they are not going ahead with market value assessment right now."

After they had a chance to take a couple of deep breaths, they brought in a resolution suggesting that we should go ahead with some form of abbreviated and altered property tax reform, knowing full well that we would not vote for it and we would probably veto it and they were on safe ground. They got what they really wanted, and they could do as they always do, be on both sides of every issue.

I remember the most dramatic example of that was away back when we had the legislation to end the Toronto teachers' strike. They wanted to be on both sides of that issue. They want to be on both sides of every issue. But they cannot be on both sides of every issue.

I want to remind members opposite that this government is committed to property tax reform in a progressive manner, and we will move ahead with property tax reform. We are moving ahead with section 86 reassessments. We are introducing new equalization factors this July.

**Mr. Charlton:** Thanks to us.

**Hon. Mr. Wells:** Not at all thanks to the members opposite. It is thanks to this government's belief that there is a progressive, evolutionary way to bring in section 86 reassessments. I do not believe that the members opposite had any effect on the fact that we are bringing in new equalization factors. As we bring in the new equalization factors, we are going to guarantee that no municipality will get less grants in 1980 than it got in 1979 because of the equalization factors.

What I want to do is deal specifically with Hamilton because, although this amendment we are bringing in is general legislation and will assist those who undertake section 86 reassessments, it is being brought in particularly because Hamilton, having undertaken one, now wants to have the necessary flexible legislation to bring in a phasing-in procedure.

I want to deal with a couple of things. First, my friend from Hamilton Mountain said something about municipal councillors not knowing anything about this, anyway;

that they are really pretty ignorant about it. He said they do not understand. I want to tell him that section 86 reassessment came in because in Hamilton, Mayor MacDonald, Controllers Morrow, Stout and Valeriano, and Aldermen McCulloch, Ford, Hinkley, Lawrence, Lombardo, Stowe, Ritchie, McMeekin, Edge and MacDonald—14 of them—voted to go ahead. Is my friend saying they did not know where they wanted to go?

**Mr. Charlton:** After they were sold the package by the Minister of Revenue.

**Hon. Mr. Wells:** They were elected by the people, and of their own free will they decided to ask for a section 86 reassessment.

**Mr. M. N. Davison:** They couldn't wait for you for ever.

**Hon. Mr. Wells:** They asked, and I suspect that among that list there are some members of the New Democratic Party.

**Mr. Charlton:** That's right; because they are trying to take on your responsibility.

**Hon. Mr. Wells:** They asked for a section 86 reassessment, and that's why we have had a section 86 reassessment in Hamilton.

**Mr. M. N. Davison:** It's because they couldn't wait any longer for you to move.

**Hon. Mr. Wells:** That's not a bad idea, that the municipalities themselves ask for a section 86 reassessment. I don't consider myself bound by anything that was said here 10 years ago, I don't care who said it.

**Mr. Laughren:** I guess not.

**Hon. Mr. Wells:** I don't consider myself bound by that. I believe it is just and right today that by their own vote a municipality should ask for this kind of reassessment.

**Mr. M. N. Davison:** Under your legislation.

**Hon. Mr. Wells:** So a section 86 reassessment took place in Hamilton; and it also took place in 13 other areas in this province.

**Mr. Charlton:** Under your legislation.

**Hon. Mr. Wells:** Let's take a look at what happened. We listen to all this doom and gloom, but let's take a look at what actually happened. Excluding the city of Kanata, in the 13 areas that were reassessed 54,429 single-family homes had an increased assessment. Of those, 28,556 had an increase of under \$100. In other words, half of those that were increased had an increase of under \$100, but 85,699 single-family homes had their assessment decreased in the 13 areas across this province where a section 86 reassessment took place. So 85,699 had a decrease; 28,556 had an increase of less than \$100, the remaining 20,000-odd had a large increase; that's the desperate problem that we have?



**Mr. Charlton:** But don't forget that under your legislation those decreased won't necessarily get it all.

**Hon. Mr. Wells:** All right, let's look at the city of Hamilton where 43.5 per cent of the single-family homes had an increase in taxes. For 34.2 per cent of the single-family homes in the reassessment area the increase was less than \$100; for 9.3 per cent it was more than \$100 in Hamilton; and 56.5 per cent of the homes in Hamilton had a decrease. Only 9.3 per cent of those homes in reassessment had an increase of over \$100. Is that the desperate situation we're talking about?

**Mr. Charlton:** Those are the classes your people screwed up.

**Hon. Mr. Wells:** This is part of property tax reform, and what a bunch of nonsense to suggest that it isn't. Section 86 can be a useful tool, and it has been.

Let's look at small business in Hamilton. Sure, 2,288 had an increase in their assessments.

**An hon. member:** Let's look at Centennial Volkswagen; okay?

**Hon. Mr. Wells:** But 21,028 had a decrease and many of the increases were not significant. Let's bring some of those figures out; let's talk about those when we're talking about what's really happening.

Section 86 reassessment, I suggest to members, have on balance been a step forward. The city of Hamilton, knowing they have some problems in a small percentage of the areas—small business probably being one of the biggest areas—has a program for phasing in, which they have asked for and which we are giving them the right to implement under this legislation. There is nothing wrong with that. I suggest this is a good amendment and it will mesh in with the kind of program the city of Hamilton has undertaken.

**Mr. Charlton:** It's a second-choice program.

**Hon. Mr. Wells:** It is not a second-choice program.

**Mr. Charlton:** Sure it is. Their first choice was for you to say where the responsibility lies.

**Mr. M. N. Davison:** You'd do a lot better if you put your money where your mouth is.

**Hon. Mr. Wells:** Those members from Hamilton are woefully ignorant, even of the things that are happening over in their own municipality. First of all they try to paint this picture of doom and gloom.

I'm glad we have some spectators in the galleries today, the executive of the Progressive Conservative Association from Wilson Heights riding. That, of course, is the riding

represented by my parliamentary assistant. They are a very hard-working group, and they get their member elected; that's what counts. I know they are very interested in sitting here and watching the kind of wishy-washy material that is coming from the third party in this province on this matter of property tax reform.

I don't think the members from Hamilton who sit over there in that third party even know we made a special grant to the city of Hamilton; they probably don't even know that. They don't even know we made that special grant to the city of Hamilton to assist all the taxpayers. They probably don't know Hamilton has already got its phase-in program ready. It's ready to phase it in. It's going to cost about 0.4 mills on this year's mill rate, but they feel it's an equitable program, and I think it's just and right that they be the ones to decide to institute it.

On balance, this is a good set of amendments; I think it has balance within it. It should move forward quickly so the city of Hamilton can get its plan in progress.

Motion agreed to.

Ordered for committee of the whole House.

House in committee of the whole.

#### MUNICIPAL AMENDMENT ACT

Consideration of Bill 115, An Act to amend the Municipal Act.

On section 1:

**Mr. Chairman:** Mr. Epp moves that section 505(1)(b) of the act, as set out in section 1 of the bill, be amended by striking out "five" in the third line and substituting in lieu thereof "10".

**Mr. Epp** further moves that section 505(3) of the act, as set out in section 1 of the bill, be amended by striking out "20" in the fifth line and substituting "10" in lieu thereof.

**Mr. Epp** further moves that section 505(4)(a) of the act, as set out in section 1 of the bill, be amended by striking out "five" in the third line and substituting in lieu thereof "10".

**Mr. Epp:** Mr. Chairman, as I alluded earlier, we believe the municipality should have the flexibility to go beyond the five-year period. We do not believe there would be any need to go beyond the 10-year period, but we do think sometimes these increases are substantial. They could sometimes run into thousands of dollars. I know in one case in the municipality of Waterloo the increase was in the neighbourhood of 11,000 per cent, and



the increase went up from under \$100 to over \$5,000.

We believe in that case, as well as in other cases, there should be some flexibility, that flexibility is warranted. Although the ministry is well intentioned in trying to get five years there, we think that does not give enough flexibility to the municipalities and therefore, we're recommending 10 years.

Mr. Isaacs: I think the amendment is certainly a move in the right direction in that it gives municipalities the flexibility to select a period up to 10 years, but I want to ask both the member for Waterloo North and the minister why we have to put restrictions on local government at all when we're dealing with this kind of thing.

[9:30]

In his introductory remarks when he brought the bill into the Legislature last Thursday, the minister said the act is designed to provide sufficient flexibility to a municipality which has implemented a section 86 reassessment to phase in over a period of up to five years the effects of the reassessment.

We talked a great deal earlier this afternoon and yesterday, when dealing with the estimates for the Ministry of Intergovernmental Affairs, about autonomy for municipalities. It seems to me if we believe that municipalities have certain rights and certain powers, then we should allow them to proceed with those powers according to their own wishes and we should allow the voters of the municipality to decide whether their council is doing the right thing or not when they go to the ballot box every two years. By putting these restrictions in this bill we are confusing the issue of who is responsible for a phase-in.

I want to say that while this bill is, unfortunately, necessary, and while I recognize that some of the minister's comments about continuing to bring in property tax reform are encouraging, it's my guess we will not see proper property tax reform in this province for quite a number of years. There will be a substantial number of section 86 assessments this year. Next year the minister, or his colleague the Minister of Revenue, will ensure through some mechanism that all municipalities are brought into section 86 and then all municipalities are going to need to take advantage of these provisions. I doubt that the minister has studied the effect of this bill on every municipality in the province.

I suggest that that responsibility should be in the hands of those who know the local problems best, that is, the local municipality. Therefore, we will be opposing this particular

amendment and, after it's defeated, we will be introducing an amendment of our own which allows municipalities to choose the period of time over which these adjustments are phased in.

Hon. Mr. Wells: Mr. Chairman, let me deal with the amendment that has been proposed. First of all, dealing with the proposition that municipalities should have a fair degree of autonomy in this particular area, I do not disagree with the idea of autonomy for municipalities. I think that's valid. I certainly have been one to believe that as far as possible we should achieve more autonomy for municipalities with less provincial direction and control. However, at certain times it becomes necessary to insert in legislation a certain regulatory standard within which that autonomy can operate.

The way I see this situation operating is that the municipality of its own volition decides to have a section 86 reassessment. That is decided by themselves. There's no direction from this government or any ministry that they must do that, but if they wish to do it they decide to undertake that. They then move to this amended bill. Having undertaken a section 86 reassessment, if they find there are problems with the phasing-in procedures in some way, we provide a vehicle by which they may pass a bylaw to allow for some form of phase-in procedure. They don't have to ask us for it any more. They go ahead and pass that bylaw.

However, having made the decision to have a section 86 reassessment because there were certain benefits to the municipalities—in other words, assessment within classes would be equalized—we believe that they then should not have any other vehicle in legislation whereby they could negate the whole process.

I would submit that leaving the time limit completely open would allow a municipality to devise a phase-in program that could in effect obviate the section 86 reassessment or pass it on to successive councils with them taking very little action on the increases at the same time the decrease is going into effect completely.

For the same reason, I think that 10 years is too long. This is a phased-in program to get over certain injustices but a prolonged phased-in period would only prolong the degree of injustice to other people in the area. In other words, the justice comes about when the equalization has occurred and those taxes which must go up have increased and those which should go down have decreased. As I have pointed out already, most of the people's taxes will go down and of those that



will go up, a large percentage of those taxes will go up by only \$100 or less, so to allow a long phased-in period or an unlimited opportunity for a phase-in could completely obviate the whole program which had been sought and decided of their own volition by a council. Therefore, I believe the parameters we've set out here are necessary in the legislation and I regret I cannot accept the amendment of my friend to change the five to 10 years.

**Mr. M. N. Davison:** I understand the attempt that is being made in the amendments moved by the member for Waterloo North. I'm not going to dump them, even though in some cases they may not be in the best interests of the constituents whom I represent in this assembly.

I would suggest that the series of amendments to be proposed by the member for Wentworth are probably better, and I think the minister should reconsider his position on this, because what we're trying to do is get the municipality out of this bloody awful situation they've been put into by the provincial government.

The people in Hamilton, unlike the people in some other communities, have no way of further punishing the provincial Conservative government. It has no seats there to lose. So if they don't like what the provincial government is doing, they can't protest by defeating provincial Tory members. I suppose, though, it's possible to argue that they can, at least, have some impact on their local council.

Now that we've dumped the matter back on the municipalities, at least give them the full autonomy, or a better chance to try and work out the best possible solution for this problem. I think if the minister looks at the amendment, which I understand is a good and positive attempt to try and deal with it, and looks at the amendments to be placed by the member for Wentworth, I think he could agree that these would give the local council the best chance to come up with a good and workable solution.

**Mr. Chairman:** Are there any further comments on the amendment?

**Mr. Epp:** Mr. Chairman, I just have a very brief comment. I regret, of course, that the minister does not see the wisdom of the amendment. He obviously doesn't understand it.

**Mr. Ashe:** You can't stretch things out forever.

**Mr. Epp:** I hope, of course, that he reconsiders. I would provide him with that opportunity.

I know he quoted earlier from some statistics. I'm just wondering whether he would be so kind to share those statistics with me. I don't want to quote them right now, but I would like to take a look at them because I think they may be helpful to study and use on some future occasion.

I would like to appeal again to the minister to reconsider and accept our amendment, because we obviously feel it's a good one. We've given considerable thought to it, and what he has in the bill is just a continuation of what was in the previous act. We don't feel that's good enough. We feel there should be some reconsideration given to that 10-year period, recognizing the large discrepancies that have been evident across the province in some of the reassessed municipalities.

**Hon. Mr. Wells:** I can't reconsider my friend's amendment but I will be happy to share with him the statistics I have. I thought they had been shared and were public information. I think we got them from the city of Hamilton or someone who did some compiling there. We'll get him a copy.

**Mr. Chairman:** Are there any further comments or questions on the amendment? If not, shall the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

**Mr. Conway:** Democracy is defeated again.

**Mr. Chairman:** Mr. Isaacs moves that section 505(1)(b) of the act, as set out in section 1 of the bill, be amended by deleting the words "not exceeding five years" and inserting in lieu thereof the words "to be set out in the bylaw."

**Mr. Isaacs:** Thank you, Mr. Chairman, for sorting out the sections, subsections and clauses for me. This bill certainly has a plethora of those.

As I indicated in my remarks earlier, we believe in municipal autonomy in those areas for which municipalities should have responsibility. The minister has indicated, and we agree, that in this unfortunate circumstance it is incumbent upon the municipalities to deal with the situation before them. It is unfortunate that the minister and his colleagues are not prepared to help those municipalities. Given that circumstance, we have to find the second-best way.

I am assuming that the minister's comments may be similar to those he made on the previous amendment, though I hope very much that they are not. I hope he will consider supporting the municipal autonomy that



we are proposing. He indicated previously that he did not wish to give the municipalities the right to negate the whole process. To me that suggests the minister is agreeing that the whole process is a trap into which municipalities fall and if, having fallen into the trap, they decide they don't like it, he is going to make very sure they don't have a way out.

I think that's inappropriate. Municipalities should be able to phase in the property tax increases that result from an assessment equalization program in whatever way best suits their municipality. I remind the minister that we are not talking just about the city of Hamilton, but we could be talking about all municipalities in this province.

The minister also suggested that he felt that the bill helped municipalities to get over the injustices. I suggest to him that he is phasing in the injustices that have resulted from making adjustments to another set of injustices. I really don't understand how the problems that have arisen as the result of a section 86 reassessment can be described as an injustice. They are just improper. They are situations that should not have occurred. The phase-in proposal that is before us now may, if the minister and his colleagues co-operate, give us an opportunity to bring in a proper system of property tax reform before the phase-in periods that are chosen by municipalities expire, if our amendment carries.

I hope that the minister will agree with us that municipalities should be allowed to deal with these problems in whatever way they see fit.

**Hon. Mr. Wells:** I very clearly indicated my feeling on this in the response to the first amendment. I thought that the suggestion that the five years be removed and that there be an unlimited time limit for a phase-in process would not be a good amendment, that it would perpetuate injustices, and that it could have the effect in a negative way of negating the section 86 process.

When I say in a negative way, what I mean is that what happens is that where you have a section 86 reassessment among classes you have achieved some degree of equity presumably. As I indicated in the Hamilton situation, most single-family homes decreased in value; and justice, for them, is not to have that decrease in assessment and the consequent decrease in taxation. The equity, to a large degree, would be for those whose assessment increased to assume the extra burden of taxes that would be caused by the increase in assessment.

[9:45]

Under the flexibility provided by this legislation, to allow an unlimited phasing in, or an unlimited forgiving—if you group together all the amendments of my friends from the third part, if you take this plus their other amendments—you could have a prolonged period of never really touching in any significant way those people whose assessment went up. The injustices would remain for those people whose assessment went down, because they would be paying an increased mill rate for those whose taxes never went up as they should have when the decreases occurred. To my mind, that would be perpetuating an injustice over a prolonged period.

Therefore we feel there should be a five-year period for the whole program, because we believe there is fairness in a phase-in, even though that will to some degree put some added burden, for a time on those whose taxes have decreased because their assessment has decreased. We think there should be a limit, and that five years is an **equitable time**.

I am sure my friend knows the city of Hamilton plans to do this in a three-year period. Therefore I can't accept the amendment, Mr. Chairman.

**Mr. Charlton:** It seems to me the minister is again neglecting a number of things that are real in this province.

First of all, this amendment to the Municipal Act, although it may have resulted specifically from the Hamilton situation, and the specifics of the amendment parallel quite closely what Hamilton proposed in the way of phase-in, the same situation may not exist in every municipality that gets into this situation; the same set of specific guidelines Hamilton found acceptable may not in fact apply elsewhere.

The second thing I think the minister is missing or overlooking—and I can't speak for my entire caucus on this, but I speak for myself at this point; although we have been critical of some of the things which have gone on over the last few months, I personally am a supporter of what Hamilton city council did, even though I don't believe, from my discussions with a number of members of Hamilton city council, that they were fully aware of what they were doing; or perhaps they were aware of what they were doing but they weren't aware of the extremes involved on both sides of the question.

I am a supporter of the courage it took Hamilton city council to do what they did, because even though they perhaps didn't understand the extremes, they understood—



specifically some of the aldermen you mentioned knew—their wards were going to be the wards where the bulk of the increases occurred; one such is Mr. McMeekin in ward seven, who is a personal friend of mine and to whom I have spoken on a number of occasions about this. I admire the courage they displayed in making this move.

I have said to the minister before I felt it should have been the province's responsibility to pay for the phase-in. That is obviously not possible now. What we would like to see is not only Hamilton covered in a situation where because of the action they have taken they can be in the best and most flexible position to respond to the people in the city of Hamilton over this whole issue.

For example, Mr. Minister, we are aware of what Hamilton council has chosen to do in their proposal; we have talked to them quite extensively about it. One of the complaints evolving amongst taxpayers in Hamilton right now, is that in one class, as you mention in your bill—a class I think was ill-defined in the first place; but that is again beside the point, it is a fact now—in one class they are going to do the phase-in by allowing all of the decreases, the total amount of the decreases, to become effective immediately, but they are going to phase in the increases and pay for that by a mill rate increase. In other classes though, the other option of the bill is going to be taken where the increases and the decreases are going to be phased in so those who have paid too much for far too long already, will be penalized somewhat further.

I'm not saying that since you've thrown the responsibility to the city of Hamilton it's necessarily your responsibility to dictate which of the options the city should take or which of the options any municipality should take, or in fact if there should be any options. You have said and you've said as clearly as you could, the section 86 things in the long run are a good thing, but you've also said you think it's good and right that the municipalities should make the choice.

Well, I can't see for the life of me why, if the municipalities are the ones that are going to make the choice and if they find they have made a mistake, at least in the case of the extremes they wouldn't have discretion. This is what we are talking about, Mr. Minister. We're not talking about any municipality not allowing any of the increases to occur. We're talking about the extremes, because that is what we are going to phase in. We're not going to phase in the three, five, seven, eight, 10, 12, and 14 per cent

increases I myself had. We're not going to phase those in. We're talking about phasing in the extreme increases. We're talking about dealing with and helping those people who when they bought their property, regardless of what its current value is, bought that property based on a number of economic assumptions. Those economic assumptions were first, and obviously, the cost of the property; and second, the mortgage rate they would have to pay on the mortgage they would have to take to cover that cost. Obviously, the third major economic consideration they made was the taxation on that property. What we are trying to deal with by a phase-in is the extreme increases, and you've mentioned that yourself. These are the increases over \$50 or over \$100. In some cases they will actually amount to considerably more than that.

We're talking about the extremes. We're talking about the small percentages, as the minister has also very carefully pointed out. The very few cases are 9.7 per cent, I think he said. We're not talking, by having an open-ended phase-in, about negating the section 86 process in the city of Hamilton or in any other municipality. Perhaps at some time you should sit down and talk to Mr. Gillis, who is the executive director of the assessment division, and talk to some of his staff.

When a municipality calls the local assessment offices and says, "Tell us what will happen if we go for this section 86 program," the assessment office has not done the equalization. They don't have the facts and they can't present anything except an estimation. The member for Wentworth, who sat on the Stoney Creek council when the assessors came from the Hamilton-Wentworth assessment office to make the same proposal to Stoney Creek Council, can attest to that.

The assessment office does not do the equalization, does not come up with the numbers until after the municipality requests the equalization. That is because they don't want to expand the man-hours and the overtime involved. Perhaps in some instances, it has even meant bringing in assessors from outside regions. They don't want to expend all of that effort until the municipality has actually made the request for the equalization. Once the municipality has done that and the machinery is in motion, it appears it's too late to back out.

We're in a situation where nobody before the fact can clearly define the extremes. Once the municipality is into the process, then they have to deal with those extremes. We're not asking the minister to allow a municipality to make a decision to go the section 86 route



and then totally negate it. We're asking that the municipality have the discretion, because we have no idea what the extremes might be. We know what some of the extremes are in Hamilton now, the ones that have been personally brought to our attention. We have no idea whatsoever to what extent those extremes might occur somewhere else.

Again, we're talking about the extremes and we're talking about once the municipality gets to the stage where the notices go out and they are now fully aware of what those extremes are and what kind of people are being hit with those extremes. We are talking about the municipality's ability to respond to that in as flexible a fashion as possible. I am not afraid to suggest, and I don't think any of my colleagues are either, that perhaps the municipality should have the right to totally negate the full effect of some of those extremes until such time as the province can go forward with complete province-wide property tax reform.

That is not to say, Mr. Minister, we want to negate the section 86 process. We want to negate some of the extreme excesses of that process, some of those things that the minister called injustices. We want to be able to deal with them in the most effective and the fairest fashion. We want the municipalities to be able to deal with something of which perhaps they didn't fully understand the extent.

That is what we are really talking about here, Mr. Minister. We are talking about the extremes, we are talking about those properties which a phase-in really applies to—the 9.7 per cent, or whatever it was you quoted earlier. That is not a very great number of properties but, regardless of the number, the effect the excesses can have on the people involved is extreme. The municipality's ability to respond flexibly to that is going to be very important in a lot of municipalities across the province, as we go through this ad hoc process. You might admit, Mr. Minister, that it is an ad hoc approach to property tax reform.

I support it because it is dealing with some injustices. Some people have been paying too much for 10 or 15 years. There is no question about that, and those people deserve consideration. I applaud the city of Hamilton and the other 12 areas of this province which took on that problem on their own initiative, but if we are going to ask the municipalities to take on the problems, then we also have to give them the power to deal as flexibly as possible with the extremes they are talking about having to phase in.

I repeat, Mr. Minister, we are talking about the extremes, not the whole program. The way your response came out it seemed to

indicate they could negate the whole program, and I don't see that. I see us talking about the small percentage, as you pointed out in your response in the second reading debate. We are talking about a small percentage, we are talking about excesses, we are talking about people's ability to deal with those excesses. The municipality should have the ability to deal with the situations that specifically exist in their municipality.

**Mr. M. N. Davison:** Very briefly, Mr. Chairman: Frankly, I am not terribly surprised by the minister's out-of-hand rejection of the very useful amendment put forward by my colleague from Wentworth. I didn't really expect him to support it. I think the minister's positions are totally in line and completely consistent with his government's approach of ignoring all good new ideas that come before him on the matter of property taxes. It accurately reflects the government's inflexibility and rigidity when it comes to important and useful new initiatives on the matter of property taxes.

What I would like to know, though, and what I think would be useful, would be to find out where the Liberal Party stands on this amendment, which will hopefully help alleviate the problems in Hamilton. I wonder if perhaps the Liberal critic would be so kind as to put before the House his party's position on this issue, in the absence of his colleagues from Hamilton.

**Mr. Epp:** Mr. Chairman, the member for Hamilton Centre is soliciting our opinion on it, and I don't mind giving it. I believe he should have the benefit of it.

We believe that to not have a limit included in this regard would not be a very wise step. We believe many municipalities have exercised three and four years in the past. My reading of my contacts with municipalities on this matter and others is that they would prefer to have some limit there as a guide.

[10:00]

We would very much appreciate having a 10-year limit. Unfortunately, that was not possible today due to the lack of support from both the government and the members of the third party. So we will oppose this amendment as we would prefer not to see the time period left open to the municipalities.

**Mr. M. N. Davison:** I would like to thank the member for Waterloo North for putting forward the Liberal Party's position on the question of local autonomy. It is nice to know where they stand. I can understand why the member who represents the riding of Hamilton West (Mr. S. Smith) and the member for



Wentworth North (Mr. Cunningham) are not participating in this debate tonight to help the problem in Hamilton.

**Mr. Haggerty:** It is the first time the member for Hamilton Centre has been in the House for a month.

**Hon. Mr. Wells:** I would like to comment on what the member for Hamilton Mountain said. I thought he had some excellent comments about the process and what happened. I appreciated his comment that he supported what Hamilton council had done. I support what they have done. I think that section 86 reassessment will in the long run be helpful. It may not be the ultimate of what he wants, but I think it will be helpful to Hamilton council.

I may have put my words wrongly in suggesting that it would negate the whole process. What I was trying to suggest was that by a prolonged phasing-in, albeit for extreme cases and for a small percentage, to some degree the whole idea of equity would be frustrated, as there would be increases in tax because of that on all those other people who got decreases. That's really what I was suggesting.

Notwithstanding the eloquent words put forward in support of this proposition, I still believe there should be a time limit and I am happy that my friends in the official opposition also feel that way. We feel that five years is adequate at this time. Therefore, I can't accept the amendment.

**Mr. Chairman:** All those in favour of Mr. Isaacs' amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. Isaacs moves that section 502(2) of the act, as set out in section 1 of the bill, be amended to read as follows: "A provision limiting the amount of any increase or reducing the amount of a decrease under subsection 1 shall, in the first year of operation of the bylaw, limit or reduce only the amount of the increase or decrease, as the case may be, that exceeds \$50 or such greater amount as may be prescribed by the bylaw."

**Mr. Isaacs:** Notwithstanding that we are now stuck, it appears from the previous vote, with a five-year period for phase-in, we still believe it should be up to the council of the municipality to decide how the phase-in should be operated, given that it is aware of all the local circumstances.

The present subsection 2 requires that the first annual increase be at least 10 per cent of the increase faced by individual property taxpayers. In his remarks on previous sections,

the minister has repeated a number of times that the majority of taxpayers are facing lower property taxes as a result of the section 86 reassessment in Hamilton.

I want to suggest to the minister and to the party on my right that this party cares about minorities. If there were only one taxpayer in the city of Hamilton who was suffering gross inequity as a result of section 86 reassessment, then we would be fighting on behalf of that property taxpayer. It's because the local people are the people who are in touch with the situation that we're bringing forward this amendment tonight.

*(Interjections.)*

**Mr. Isaacs:** If they see fit to give an individual or a group of individuals an increase of \$50 a year for the first year, then why should they not be permitted to do that? There are property taxpayers in the city of Hamilton whose taxes have increased by 300 and 400 per cent—and that is not 300 and 400 per cent of one dollar, but 300 and 400 per cent of many hundreds of dollars.

And those taxpayers are faced with that increase in taxes without any advance warning at all. They receive their notice of reassessment in the year in which the taxes are to be paid. In fact they have not yet received a tax bill that reflects their new assessment, because the preliminary tax bills, as the minister is undoubtedly aware, were based on last year's assessment.

**Mr. Sterling:** The bill allows 10 per cent the first year.

**Mr. Isaacs:** So there are taxpayers who, within a few weeks from the passage of this bill, are going to receive a tax bill that requires them to pay in the last six months of this year the whole of the increase imposed upon them because of the section 86 reassessment, subject to whatever adjustment the local council decides—not 10 per cent, but whatever the local council decides.

**Mr. Sterling:** The council has a voice.

**Mr. Isaacs:** We are suggesting the local council should be given complete flexibility to set the phase-in timetable as it sees fit—and this amendment is a very crucial part of that—so the first year's adjustments can be made according to local circumstances, not only in Hamilton but in every other municipality that is going to be facing this difficulty in the future.

**Hon. Mr. Wells:** Mr. Chairman, this amendment really changes the intent of what we had. It leaves in the \$50 requirement but it takes out the 10 per cent. I am afraid I must disagree with my friend. In looking



at it in one light it could mean, I suppose, if the situation was so—and I am using this purely as a hypothetical example—that if the Dofasco taxes were increased anything over \$50 would be eligible for a phase-in, although I think he would probably agree that perhaps a minimum of 10 per cent would be equitable in that particular situation.

**Mr. Isaacs:** That's for city council to decide.

**Hon. Mr. Wells:** I think the amendment we have tends to make things a little more equal and also shifts the burden in a balanced way over the total population who are getting the phasing-in process, rather than to some degree benefiting the large taxpayer who perhaps could bear a little greater burden than some of the others.

We feel that this section of the bill should stay as it is written.

**Mr. Deputy Chairman:** All those in favour of Mr. Isaacs' amendment will please say "aye."

All those opposed will please say "nay."  
In my opinion the nays have it.

Motion negatived.

**Mr. Isaacs:** Mr. Chairman, I have a couple of new comments relating to this section which I think are very important. I'll certainly be happy to dispense with the reading of the amendment if it's acceptable to the other members. The minister and the critic for the Liberal Party do have copies, as does the chairman. May I proceed with the points I wish to make?

**Mr. Deputy Chairman:** The amendment must be put by you if you wish the committee to consider it. You should proceed with it.

**Mr. Isaacs moves** that section 505(3) of the act, as set out in section 1 of the bill, be amended to read: "The amount of an increase or decrease that may be limited or reduced in the second and each subsequent year of operation of the bylaw shall be an amount less than the amount of that increase or decrease that was limited or reduced in the next preceding year."

**Mr. Isaacs:** I suggest that the comments that the minister has made indicate that he has no trust in local councils to respond to the needs of the electorate and of the taxpayers in those municipalities. To suggest that Hamilton city council or any other municipal council would decide to phase-in tax increases for Dofasco at \$50 a year suggests that the minister treats local government with contempt.

I think the inflexibility that the minister is displaying with regard to the whole bill is completely unacceptable. I want to ask the minister what background work his ministry has done in presenting this bill to us, particularly as, when he introduced the bill in the Legislature last Thursday, he said: "The legislation limits sufficiently the taxes that can be relieved to ensure that provincial interests are not abused."

I want to ask the minister what those provincial interests are, and whether his ministry has done an economic impact study on this bill, as we were promised would be done on every bill being introduced by the government.

**Hon. Mr. Wells:** Mr. Chairman, I recognize the point the member makes that this legislation is designed for all municipalities, and indeed it is. I think it will be helpful to all municipalities. But he asks what kind of background did we go through in the developing of this legislation.

We went through about 15 meetings with the treasurer of the city of Hamilton and some meetings with the mayor in order to develop a piece of legislation that would assist Hamilton in its particular problem at the present time. In other words, we've talked to the city of Hamilton many, many times and tried to develop a piece of legislation that would allow them to come at the problem they see at the present time.

As the member has so eloquently stated, the government party has no members from Hamilton. The opposition parties represent the city of Hamilton and speak for their constituents in Hamilton. But I think the member should know that the municipality of Hamilton helped us greatly in developing this legislation. We value the expertise they have and we were happy to have that expertise as we developed this legislation.

If, in the future, it doesn't suit the needs of all those other municipalities of the province—in other words, if the value judgement of the people from Hamilton and their work with our people in developing it doesn't suit the needs of all the municipalities in the province—I'm sure we'll be back here with amendments to make the legislation do the job we believe it can do in its present form. Therefore, I can't accept this amendment.

**Mr. Deputy Chairman:** Is there any further discussion on the proposed amendment?

We're dealing with an amendment to section 1 of the bill referring to the proposed section 505(3).

All those in favour of Mr. Isaacs' amendment will please say "aye".



All those opposed will please say "nay."  
In my opinion the nays have it.

Motion negatived.

[10:15]

**Mr. Conway:** The member for Mississauga East is cracking the whip over there tonight.

**Mr. Isaacs:** I have a final amendment, Mr. Chairman.

**Mr. Deputy Chairman:** Mr. Isaacs moves that section 505(4)(a) of the act, as set out in section 1 of the bill, be amended by deleting the words "not exceeding five years."

Is there any discussion on the amendment?

**Mr. Isaacs:** I suggest to the minister that this is his final opportunity to indicate who in this House stands for local autonomy. He has indicated to us that he has held 15 meetings with representatives of the city of Hamilton, and I don't dispute that for one moment. If this bill said somewhere in it, "This bill applies to the city of Hamilton," then we would be supporting it tonight. But I am raising these amendments because this bill could be in place for a long time to come and it could affect almost every municipality in Ontario.

He has suggested that the amendments I'm proposing, the amendment that's before us now, could mean that the property tax equalization system his ministry invented is never phased in. If a local council wants to take the gamble, and I would suggest to the minister that the odds are very good, that by not phasing it in for two or three years there will be a change of government in this province and we will be taking over and introducing real property tax reform that municipalities can live with, that the taxpayers can live with and that will treat everybody fairly, then I suggest that they might be making a good bet by never phasing in a section 86 reassessment.

**Mr. Breithaupt:** They can't even have five members here.

**Mr. Isaacs:** I want to say to the minister I hope he will consider once more this matter of the phasing-in period, this is his last opportunity to do so in this bill and if we are not granted this amendment, such that municipalities can introduce the phase-in over whatever period of time they see fit, then this party is committed to opposing the bill on third reading.

**Mr. Breithaupt:** How threatened do you feel?

**Hon. Mr. Wells:** Mr. Chairman, I feel constrained to not accept this amendment because it would be inconsistent, this House having rejected the amendments to change

the five years in the first part of the bill, to tamper with this particular section now would not be consistent. For the same reasons that I indicated for refusal of the first amendment, I would have to refuse this one.

**Mr. M. N. Davison:** You're such a dogmatic fellow, Tom Wells.

**Mr. Deputy Chairman:** We're again dealing with section 1 of the bill referring to section 505(4) of the act.

Motion negatived.

**Mr. Deputy Chairman:** Is there anything further on the bill?

Section 1 agreed to.

Sections 2 to 4, inclusive, agreed to.

Bill 115 reported.

Hon. Mr. Welch moved that the committee rise and report.

On motion by Mr. Welch, the committee of the whole House reported one bill without amendment.

### THIRD READING

Hon. Mr. Wells moved third reading of Bill 115, An Act to amend the Municipal Act.

**Mr. Speaker:** All those in favour of third reading of Bill 115 will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Hon. Mr. Welch:** Mr. Speaker, at this hour it would not appear to be wise to call another item. But I understand there is to be a late show.

**Mr. Speaker:** There is a late show that involves the member for Oakwood. Could he be found within the precincts?

**Hon. Mr. Welch:** The member for Oakwood, wherever you are, we are ready.

**An hon. member:** Maybe the member for Armourdale could give us a speech.

**Mr. Speaker:** We could have the table officers do a little buck and wing.

**An hon. member:** A little what?

**Mr. Peterson:** On a point of order, Mr. Speaker: In view of the fact that the member for Wilson Heights (Mr. Rotenberg) has his riding executive here in the gallery tonight, and they seem to be the only people here, perhaps with the unanimous consent of this House we could call upon the good member for Wilson Heights to make one of his eloquent speeches in this chamber. I believe he has yet to make his maiden speech, and I would offer him this opportunity, from this side of the House at least.



**Mr. Speaker:** As much as that may be desirable, I think it might establish a dangerous precedent.

**Mr. Epp:** Mr. Speaker, the member for Wilson Heights just got back from Quebec City, where he attended the Federation of Canadian Municipalities meeting. I wonder whether in capsule form—about five words or less—he could give us a report on the convention.

Interjections.

**Mr. Speaker:** Order. In accordance with our announcement this afternoon I now deem the motion to adjourn to have been made.

The member for Oakwood has up to five minutes.

### HERITAGE LANGUAGES PROGRAM

**Mr. Grande:** Mr. Speaker, as you know, during the question period I asked a question of the Minister of Education (Miss Stephenson) to explain the announcement she made on May 15, 1979, about the school boards in Ontario getting 100 per cent, total funding. I would not say the information which the Minister of Education has provided in this House is misleading but, at best, the calculations are not correct.

The Minister of Education owes it to the different communities around this province to tell them exactly what she means by total funding. The Metropolitan Separate School Board in Toronto certainly would love to find out how the minister has decided that that board received more money last year than it will receive in this particular year, as of September 1979.

As you know, in February, as a result of the legislative grants, the heritage languages program was cut back by 50 per cent. The Minister of Education did not deny that. As a result, on March 15 four of the school boards, such as the Metropolitan Separate School Board and the Toronto Board of Education, which, as the minister very well knows, are right now on the floor—and the minister should understand that expression “on the floor”; it means that any legislative changes or any grants the ministry might provide will not benefit those particular school boards. That means in effect, for 68 per cent of the children in this province who are right now taking the heritage languages program, that the minister's change of May 15 has made not one ounce of difference.

**Hon. Miss Stephenson:** Your mathematics are absolutely dreadful.

**Mr. Grande:** Well, the minister will have a chance to explain herself.

Let her explain to us very briefly how the separate school board in Metropolitan Toronto was making a profit out of the classes, as she stated; and let her explain to us briefly how the Toronto school board is going to receive more money as a result of her May 15 memorandum that wipes out, as she was saying, the memorandum under which it was to have been in the legislative grants.

These are the questions that need to be answered, and I hope the Minister of Education will be very clear and will answer, not to me in this Legislature but to the Metropolitan Separate School Board, the Toronto School Board and the school boards in Ottawa and Kapuskasing, because as I understand it those are the boards that right now have the floor provision. I repeat, that means whatever grants she might increase, these particular boards will not be able to benefit from those increased grants.

With that, I will sit in my chair and wait anxiously for the minister to explain what she is talking about.

**Hon. Miss Stephenson:** It is obvious the honourable member has not understood the clarity of the memorandum presented on May 15. What I stated on that day was instead of funding at the rate of grant or in any way which is constrained or constricted by the usual delivery of GLG, the funding for the heritage languages program would be at 100 per cent of the cost of providing the course for 25 students at the rate of \$21 per instructional hour for that number of students—growing, actually, from the provision for 10 students to a maximum of \$21 for 25 or more.

**Mr. Grande:** Explain it, don't repeat it.

**Hon. Miss Stephenson:** That funding is coming 100 per cent from the government. There is no constraint upon the local boards to provide additional funding for the program. The program will be funded at 100 per cent at \$21 per instructional hour for all the school boards in the province, whether they have a floor, a ceiling or sidewalls.

I don't know where the honourable member got his information. What I would like to read into the record right now is a letter dated June 5 from Mr. Bruno Suppa, the chairman of the Metropolitan Toronto Separate School Board. I have no idea where the honourable member has managed to extricate all of these petitions he is bringing in because all of them, I believe, predate the May 15 statement.

**Mr. Pope:** He works at it.

**Mr. Grande:** They don't predate your February announcement.



**Hon. Miss Stephenson:** Sir, I would like to read this letter from Mr. Suppa:

"Dear Dr. Stephenson:

"I would like to express the appreciation of the Metropolitan Separate School Board for the improvement in legislative grants for heritage language programs.

"As we explained to you during our meeting on March 21, the cuts proposed in the original regulations for the 1979 legislative grants would have affected seriously the program as it had been established in our schools.

Although the increase as announced by you on May 24 was not as much as we asked, it will allow us"—Mr. Suppa continues—"to continue to offer an effective program to the 32,000 children registered in these classes.

"May I thank you for meeting with us, for considering our problems, and for making the necessary financial adjustments which will allow the heritage language programs operated by this board to continue."

The House adjourned at 10:30 p.m.



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No. 65

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, June 7, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

THURSDAY, JUNE 7, 1979

The House met at 2 p.m.

Prayers.

## MEMBER'S COMMENTS

**Mrs. Campbell:** I wish to rise on a point of privilege, Mr. Speaker. It has been drawn to my attention that in the Hansard of a meeting of the standing administration of justice committee, dated May 18 of this year, on page J-1330-1, the following is reported under comments by me:

"Oh, come on. You come from an area which is not an inner-city area, and it's interesting that not another Tory Jew is here, but you ought to know, if you don't know, that Toronto has been disadvantaged over the other areas with this metropolitan school board setup."

Mr. Speaker, I did not use those words. I have taken the opportunity to listen to the tape with others. The consensus is that it's clear that what I said was, "Not another Tory but you is here."

I am deeply offended that this could have appeared. I think I have spent most of my life fighting against that kind of approach to people in this community or any other. I feel very strongly that that has to be corrected, and that through me people who might have been offended by this are owed an apology by me, although I did not use those words.

## PUBLIC OPINION POLLS

**Mr. T. P. Reid:** Mr. Speaker, I rise on a point of order, in relation to the public opinion polls taken by the government and paid for by taxpayers' money.

I would like to draw to your attention section 32 of the new rules, specifically subsection (c) which relates to the compendium and consolidation of information. It says: "On the introduction of a government bill, a compendium of background information shall be delivered to the opposition critics. If it is an amending bill, an up-to-date consolidation of the act or acts to be amended shall be delivered to the opposition critics, unless the bill amends an act amended previously in the session."

My point is that over the years the government has refused to make these public opinion polls public by tabling them in the Legislature. I would suggest that the answer to my repeated requests from the government has been that these polls are used in the formulation of policy and of legislation. I suggest, therefore, that they should be tabled in this Legislature so that all members may have the benefit of this background material, and that section 32 be complied with.

**Mr. Speaker:** I will take that under advisement.

## HERITAGE LANGUAGES PROGRAM

**Mr. Grande:** Mr. Speaker, on a point of privilege: I rise to correct the record. The Minister of Education has seriously misled the House, not on a matter of opinion but on an important matter of fact.

On June 4 I asked the minister whether the Metropolitan Toronto School Board would receive one red cent more as a result of her May 15 heritage language announcement. I expressed my dissatisfaction with her evasive response, and the matter was debated at the late show on Tuesday, June 5.

The minister, after attacking my statement, stated, according to Instant Hansard: "That funding is coming 100 per cent from the government. There's no constraint upon the local boards to provide additional funding for the program. The program will be funded at 100 per cent of \$21 per instructional hour for all the school boards in the province, whether they have a floor, a ceiling or side-walls."

I would like to table a letter, dated May 14 and signed by the minister, to the Metropolitan Toronto School Board. Let me quote: "These changes will not have affected the Metropolitan Toronto Board of Education for 1979 as a result of the floor provision."

I also have a report dated May 24, 1979—and I will table it also—signed by the controller of finance of the Metropolitan Toronto School Board which states: "Changes in heritage language funding do not, therefore, directly affect the grant and no additional funds will be generated for the school board towards the cost of heritage language programs in 1979."



I am delighted that the Minister of Education acceded to our demands and increased the funding for heritage languages. However, I am dismayed that she is giving no additional funds to the Metropolitan Toronto School Board. Either she does not realize that she is still imposing cutbacks, in which case she is incompetent, or she is refusing to be totally frank and admit that she has seriously misled the House, in which case I firmly believe that the minister should apologize.

My original assertion is correct; the minister is totally wrong. The Metropolitan Toronto School Board will not receive one red cent as a result of the minister's May 15 heritage language announcement.

**Hon. Miss Stephenson:** Mr. Speaker, I am sorry I have to report to the member for Oakwood that he is incorrect but, indeed, the Metropolitan Toronto School Board will receive increased funds for the heritage language program this year. It is not based upon a floor or a ceiling; those factors have nothing to do with the funding of the heritage language program.

I apologize to the member that the information which he received from a member of my staff was incorrect. The reason for that is that, unfortunately, the staff member who responded to that question on behalf of the member for Oakwood had not been informed of the total policy change at that time.

**Mr. Cassidy:** The minister is always blaming her staff for her political errors.

**Hon. Miss Stephenson:** No, I am blaming me.

**Mr. Cassidy:** We've heard that one before.

**Mr. Eaton:** Make him withdraw his statement about misleading the House.

**Mr. Speaker:** Order.

## STATEMENTS BY THE MINISTRY

### LOCAL SERVICES BOARDS

**Hon. Mr. Bernier:** Mr. Speaker, later this afternoon I will be tabling a bill to provide for local services boards in unorganized areas.

I am pleased to announce to the members of the House that some of the northerners who have made this bill possible are with us in the Speaker's gallery. They are: Madeleine Belisle, president of the Unorganized Communities Association of Northern Ontario West, together with board member Doug May and executive director Kathy Davis, and Richard McGowan, president of UCANO East, together with his executive

director, Gerry Violette, and Suzanne Violette.

Each has spent a great deal of time and effort helping us sort out the issues, from the major policy concerns down to the technical details. Each has travelled about the north helping to explain the local services boards concept. On behalf of us all, I would like to thank them personally.

This bill marks an important step for the residents of unorganized communities in northern Ontario. It is also an important initiative for the provincial government. The legislation offers the option of a formal, legal status to communities that are too small or too isolated to become municipalities and, in so doing, opens the door for these communities to enjoy a level of basic services that most of us in the larger centres or in southern Ontario have come to take for granted.

The need for such a vehicle has been recognized for some time. Lacking a local elected voice, an unorganized community can have difficulty establishing and putting forward its service priorities.

Even where a community can settle on its needs and succeed in obtaining a facility—either on its own or with the help of an outside grant—the activity often founders later on because residents have no formal way to share the ongoing operating and maintenance costs fairly among themselves.

I wish to emphasize three key features of this bill. First, it addresses just the basic service needs. Residents of the unorganized north have emphasized that their local needs are simple yet fundamental to the security and quality of life: fire protection, water supply, recreation, sewage disposal, street lighting and garbage collection.

[2:15]

Accordingly, this legislation would permit the residents and property owners of a northern community to initiate the creation of a corporate board with powers to provide such services in the community, on its own or by contract, and to recover some of the costs. There would be no regulatory powers such as planning, licensing or policing, nor would there be any responsibilities with respect to social or health services.

A second key aspect: This is permissive legislation; that is, it merely puts a mechanism in place. It will still be up to a community to decide whether opting for a local services board is to its advantage. The emphasis is on strengthening the self-help spirit that already prevails in many communities and on encouraging local initiative.



The third aspect is this is not a proposal for municipal government. A local services board is intended to be a much simpler organizational and funding vehicle. A community that chooses this route will still be "unorganized".

As I mentioned earlier, we have worked closely with the Unorganized Communities Association of Northern Ontario in designing this legislation. Once agreement was reached on principles, we issued an outline proposal, followed during March and April by a series of more than 30 public meetings in small communities across the north to listen to the views of residents and to develop a closer sense of their needs, preferences and capabilities. Most questions asked related to the procedures for establishing a local services board and the details of the funding and taxation features.

The first step would be for a community to initiate an application by holding a "town hall" meeting. In practice, we expect there will be considerable discussion in a community prior to this meeting, and provincial staff will be available to clarify aspects of the legislation as it relates to the particular community, help with notices, offer advice on the conduct of the organizational meeting and so on.

Once an application has been received, my ministry would undertake to advertise the fact and in other ways seek feedback, in order to be fully satisfied that the decision of the meeting reflected the feeling of the community as a whole.

So far we have developed no hard and fast rules as to which communities will be approved for incorporation as local services boards. The main purpose is to recognize and assist existing communities where possible, rather than to spur the development of new ones. In general, we will be considering such interrelated factors as the size and stability of the community, the strength of community spirit and the servicing needs. Because I am concerned that we should not impair the municipal system in the north, I will be consulting with my colleague the Minister of Intergovernmental Affairs (Mr. Wells) on local services board applications.

It seems reasonable to delay consideration of any applications from areas where local government arrangements are under active review by the Ministry of Intergovernmental Affairs, and I believe the Minister of Intergovernmental Affairs will be making a statement on these issues in a few minutes. I will also be consulting with other cabinet colleagues whose jurisdictions may be affected. Altogether though, I would hope a final de-

cision would take no longer than two or three months from the initial town hall meeting until final approval is obtained.

On the matter of funding, again we will have to work out many of the specific details as we deal with individual budgets. In general, capital projects will continue to be financed through existing schemes, including the special assistance programs of the Ministry of Northern Affairs. The fact that communities will have legal status should improve their access to these programs. Under the local services board proposal, the province, through the Ministry of Northern Affairs, will also assist communities with the operating and maintenance expenses of their activities on a \$1 to \$1 basis.

**Mr. Laughren:** Scrooge.

**Hon. Mr. Bernier:** For the present, there will be no upper limit to this assistance for each local services board, but I must emphasize there will be no provincial contribution without a matching local share.

Monies raised in any of three ways will be considered in calculating the matching grant: voluntary fund-raising events, user fees and on the assessment.

**Mr. Laughren:** What about volunteer labour?

**Hon. Mr. Bernier:** It will be up to the community to decide which of these methods it wishes to use. During the initial period at least, bequests, donated land and volunteer labour or materials will not be eligible for the matching funding.

**Mr. Laughren:** Shame. Scrooge.

**Hon. Mr. Bernier:** On the assessment point, I am pleased to say the Minister of Revenue (Mr. Maeck) has agreed that the local services board levy can be billed and collected as an add-on to the provincial land tax. This will lift the burden of paper work from the local level, yet still leave the community itself with the annual decision as to what rate, if any, should be applied.

In conclusion, I would stress the flexibility of this draft legislation. A community can choose whether to opt in, which are the specific services it wishes to provide, over what areas, how it will provide them and the method of covering the local share of the costs.

The bill should not be looked on as an overall panacea for all the problems in unorganized communities. It offers a simple mechanism for facilitating self-help efforts and the flow of provincial funds. In some cases, the option will merely assist the community in maintaining its current service levels. In all cases, provincial ministries will



continue to have responsibilities with respect to unorganized communities.

Short of going to municipal government, though, this local services boards legislation seems to me to be the best way of giving legal status, a local voice and a financial base to those unorganized communities which wish it in northern Ontario.

**Hon. Mr. Wells:** I am pleased to have the opportunity to say a few words on the introduction of this legislation permitting the establishment of local services boards in northern Ontario. I believe this initiative by the Ministry of Northern Affairs marks a significant step forward in ensuring that the residents of unorganized communities receive the essential services they desire and require.

Members will recall a similar bill was brought forward in 1974 by the minister then responsible for intergovernmental affairs. The bill was allowed to die on the Order Paper after the electoral and tax collection provisions in it had been criticized for being beyond the needs and capabilities of small communities in the north. The concept behind the legislation presented today is much more in line with the very basic community framework that residents of unorganized communities have told us they are looking for.

As the Minister of Northern Affairs has said, the concept of local services boards is not one that will be universally applied throughout northern Ontario because about 93 per cent of the population in the north is always able to deal with its problems through municipal government. Local services boards are designed specifically for communities which do not have the option of municipal self-government because they are too small to function as a village or a township or because they are too remote to consider merging with a neighbouring municipality.

The government is continuing in its efforts to help strengthen the municipal system in northern Ontario. These efforts include responding to local requests for studies of boundaries and structures. One example was the district of Parry Sound local government study which led to the Parry Sound local government bill which is now before this House. More recently, study reports have been released on the Kenora area, the Blind River area and the area north of Sault Ste. Marie. Final reports for the Geraldton area and for the area from Hearst to Smooth Rock Falls will be ready some time this month.

As the Minister of Northern Affairs has already noted, it is only reasonable that local services board applications from areas in which the local government arrangements

are under study should be deferred until the studies and the follow-up to the studies have been completed. Of course, at this point, the applications will be processed in the normal way and proceed in the normal manner. For example, now that the local government study and follow-up have been completed in Parry Sound, such communities as Port Loring and Restoule may want to give serious consideration to the local services boards alternative.

The government of Ontario is anxious to assist those communities which wish to provide an outlet for their spirit of self-help through local services boards. The Ministry of Intergovernmental Affairs will be working very closely with the Ministry of Northern Affairs to assess the implications that applications may have for the municipal system.

For example, it would not seem wise to incorporate a local services board for a community which is essentially fringe growth from a neighbouring established municipality. In such a case the better alternative for all concerned might be to extend the boundaries of the established municipality to take in the unorganized community.

**An hon. member:** It is impossible.

**Hon. Mr. Wells:** Where this idea was feasible and was desired locally, it might well be the preferable way of providing improved services to the unorganized community. Our overriding objective, however, will be to keep red tape to a minimum and to work in close harmony with the local people involved so that we can respond with speed and sensitivity to their questions and to their needs.

In conclusion, I think the introduction of this legislation today is an important step forward in the improvement of community life in northern Ontario.

#### GUELPH CORRECTIONAL CENTRE

**Hon. Mr. Walker:** Regarding the Guelph Correctional Centre disturbance of May 7, I would like to report on the investigation and disciplinary action. Following the disturbance at Guelph Correctional Centre, Monday, May 7, an investigation was undertaken by the ministry's inspections and investigations branch. I indicated at the time that I would share the findings of this investigation with members of the Legislature.

Early in the afternoon of May 7, inmates of the Guelph Correctional Centre were successful in smuggling a three-quart milk jug of home-brewed wine into unit D3. Apparently this home brew was manufactured from ingredients stolen from the centre's



kitchen, such as apple peelings and potatoes, and the brew was hidden until fermentation had taken place.

**An hon. member:** Hennessy's Three-Star.

**Hon. Mr. Walker:** A number of inmates consumed some of the so-called wine and, subsequently, two inmates were observed by staff to be in an intoxicated condition. They were removed from the unit and placed in segregation. A short time later an additional 12 to 15 inmates were observed by staff in the evening meal lineup to be in varying degrees of intoxication.

We do not tolerate behaviour of this nature. As a result, 74 inmates were placed off privileges and locked in their cells, pending further inquiries into the matter. This represented the entire unit. The reason for this action was explained to the inmates by staff. In effect, this meant that the 74 inmates were locked in their cells after the dinner hour and were not to be permitted to go to the common room to watch TV or to the gymnasium for recreational activities that evening.

A search by staff located the half-filled three-quart jug of home-made brew, which was then confiscated. The disciplinary action by staff in segregating the two inmates and, subsequently, removing evening privileges from the rest of the unit when more inmates were found to be intoxicated was questioned and resented by members of the inmate liaison committee. Several members of the inmate liaison committee informed staff that the institution was uptight as a result of the disciplinary action and they offered to visit various inmate units and explain the reasons for this action.

**Mr. Nixon:** Not enough orange juice.

**Hon. Mr. Walker:** Instead, the investigation clearly reveals that members of the inmate committee used this opportunity to create tension and to incite a disturbance. The investigation revealed that some of the areas involved in the disturbance were unaware of the disciplinary action in D3 cell block and that these areas were calm until after they were spoken to by members of the inmate liaison committee.

During the course of the evening, several small fires were started and a number of misconducts were laid against inmates. The full-scale disturbance erupted at approximately 10:30 p.m. and resulted in approximately \$37,000 property damage. The figure of \$37,000 estimated at the time has now come in slightly lower. During the height of the disturbance and the confusion resulting from the destruction of furniture, plumbing,

windows and other items, seven inmates escaped from the centre. Incidentally, six of the seven have since been recaptured.

**Mr. Foulds:** They found the still.

**Hon. Mr. Walker:** In summary, the investigation revealed this disturbance resulted from an abuse, by the inmate liaison committee, of the responsibility and trust which they enjoyed at the centre. Clearly, the inmate liaison committee utilized a relatively minor incident to create resentment towards staff in regard to disciplinary action and to advocate retaliation in the form of acts of physical destruction and riotous behaviour.

The irresponsible actions of the inmate liaison committee resulted in the transfer of nine committee members to our maximum security facility, Millbrook Correctional Centre, on the day following the disturbance, and the immediate suspension of all inmate liaison committee activities at Guelph.

It is the view of our staff that a structure for ongoing liaison with inmates is important at Guelph. However, it is clear that a restructuring of the present system is warranted. A study is currently under way to develop a better system whereby inmate representatives can raise matters for discussion with the institution's staff. In the interim, until this new structure is in place, the suspension of the inmate liaison committee's activities will continue.

[2:30]

The day after the disturbance, I informed the Legislature that the ministry intended to take firm disciplinary action against inmates who participated in the riotous activity at Guelph. In this regard, the superintendent of the centre was authorized and directed to order the forfeiture of both earned remission and all savings and canteen spending allowances standing to the credit of any inmate who was involved. Inmates were also to clean up and repair the damage which they had caused.

Here are the results:

Disciplinary hearings were held for nearly 200 inmates within a few days. Approximately 60 inmates were found not to have taken part in acts of destruction, although they were present in the areas where damage occurred. No action was taken against these 60, who resumed normal privileges. The remaining 140 inmates were assessed the forfeiture of a total of 4,808 days in earned remission, which equals an additional 13 years in time to be served.

Inmates also had confiscated approximately \$24,000 from their normal incentive allowance



funds to help defray the nearly \$37,000 cost of repairs.

Inmates have been required to work to restore the facilities which they damaged. The cost of restoring these areas would have been approximately \$90,000 had an outside contractor been required. The estimate of \$37,000 is based on having the work done by inmates. The repairs are 85 per cent completed, with only the replacement of flooring material and some plastering and painting to be completed in one unit.

I would like to reiterate my appreciation for the outstanding performance by staff of the Guelph Correctional Centre in bringing this disturbance under control. The fact that a disturbance involving nearly 200 inmates was brought under control in a relatively short period of time, without injury to staff or inmates, and without a physical confrontation, is a tribute to the professionalism of the staff at the centre.

In this connection, members will recall that the member for High Park-Swansea (Mr. Ziembra) visited the centre Wednesday, May 9. He subsequently issued a statement that was critical of the fact that staff were temporarily housing inmates in the tunnel areas of the centre's basement where there were few amenities. He asked the Ombudsman's office to investigate.

I expressed the view in this House that "the inmates were the authors of their own misfortune. They rendered a number of their living units uninhabitable through a rampage of wilful damage which was not justified, in my view, by the actions taken by staff or by any grievances of a serious or profound nature . . ."

I have not changed my mind about the temporary housing of the inmates in the tunnel areas, and there was nothing in the Public Institutions Inspection Panel report or in the Ombudsman's findings to alter that opinion.

The Public Institutions Inspection Panel, a panel of private citizens, toured the Guelph Correctional Centre, Thursday, May 10, and spoke to inmates in the tunnel areas. The panel commended the performance of staff in handling the disturbance and stated that the tunnel area for temporary accommodation was "acceptable" under the circumstances.

The Ombudsman's report notes that his investigator, Mr. Doug Naish, talked to inmates in the tunnel area. I would quote: "During Mr. Naish's discussions with both groups of inmates in the 'tunnels', no complaints were made concerning harassment or physical abuse by staff either during or after the disturbance." The report stated that it

could not describe the decision by authorities to place inmates in the tunnel as unreasonable, unjust, oppressive or improperly discriminating. "Likewise," the report stated, "having regard to all of the circumstances, including the requirement to maintain security and order and prevent further damage to the institution, the Ombudsman was unable to describe as unreasonable the conditions under which the inmates were held in the 'tunnels' during the period May 8, 1979, to May 10, 1979."

Later today, I will table the report of the inspection panel and the Ombudsman's report, both of which support the position taken by ministry employees.

#### MEMBER'S WEDDING

Hon. Mr. Davis: Mr. Speaker, I do not have a statement to make; it is a matter of personal privilege I want to raise. On occasion some of my colleagues on Friday mornings are very heavily involved in public business other than in the Legislature and, while the member for Rainy River (Mr. T. P. Reid) I know will be here tomorrow morning, I did want to express on behalf of all members on this side of the House our sincere best wishes for the event that is to take place on Saturday next.

In that our family, that is, some of my children, have the pleasure of knowing the young lady who is to participate in the ceremony on Saturday, they too would like to express their best wishes. I didn't suggest to them that they might be wishing to say to her that although we hope she has a great deal of patience, understanding, et cetera, et cetera, however, in the anticipation that perhaps her brief involvement with a family that philosophically showed greater perception and insight than that into which she is marrying, perhaps she may have some influence on the distinguished member for Rainy River. We will live in hope, at least for a short period of time.

Most sincerely, we would like to wish the member for Rainy River a very pleasant day on Saturday and, more importantly, a very happy marriage. I guess it leaves very few bachelors left in this assembly, and I would only look to two or three of my own colleagues and say to them occasionally, "I wish you would follow that example, but only that example."

Mr. Cassidy: I would just like to add a word or two of congratulation to my long-time friend, Patrick Reid, on this event which is going to take place in his life on Saturday.

I recall meeting Patrick many years ago and asking him, as a bachelor, before I was



even in this House, what he did when he met young women here in Toronto and how he avoided putting them off by saying he was a member of the Legislature? He said, "I tell them I work for the government." Well, obviously, it is an approach which has had a successful outcome.

I can also say I had some advance intimation of this one day last spring when I was out running, something I rarely do, and I run up to Sir Winston Churchill Park and around the tennis courts. There, at 7:30 in the morning, I found Patrick indulging in tennis with his bride-to-be—

**Mr. T. P. Reid:** Did Hansard get this?

**Mr. Cassidy:** —which suggests to me, Mr. Speaker, they have embarked on a fruitful kind of relationship.

**Mr. Foulds:** I think that requires a point of privilege.

**Mr. Cassidy:** All I want to say is the family that plays together stays together. We wish them well.

**Mr. S. Smith:** I will just be very brief. We think of it in caucus as not so much losing a member as gaining yet another opinion.

**Mr. Nixon:** I hesitate to stop the levity here, but I thought perhaps the young man himself might want to contribute to the discussion.

**Mr. T. P. Reid:** The last time I spoke I got into trouble.

**Mr. S. Smith:** It is the next time you speak that you are going to be getting into trouble.

#### MEMBER'S COMMENT

**Mr. Nixon:** Mr. Speaker, I do have a point of order. I noticed you listening with care and attention when my colleague, the member for St. George (Mrs. Campbell), brought to your attention the error that had appeared in Instant Hansard, and I know we were all very glad to hear the correction and certainly accept it.

I would bring to your attention, however, sir, the erroneous Hansard—the Instant Hansard, which is not an official document, as you know—had somehow had extensive circulation and was brought to attention in some embarrassment actually, since the honourable member had no idea such an interpretation would have been placed on her remarks.

I would ask you, sir, to make it clear to all members that Instant Hansard contains errors that are corrected when the reference to the individual members takes place and, in this instance, corrections are made in the House

when they come to the attention of the honourable member affected. This is a very serious matter. I can only hope the honourable members or other persons who may have been responsible for the circulation of that Instant Hansard will see the corrected Hansard is sent to the same people.

**Mr. Speaker:** I had occasion to discuss that problem you so rightly bring to the attention of the House with Peter Brannan, chief of Hansard. Something is being done about it. I agree whole-heartedly it should be quite clear in the minds of all members, or anybody who has occasion to use Instant Hansard, that it is just that. It is the unedited version; it is what either the transcribers think was on the tape or what is dovetailed in by our interjectionists. Until it has the final approval of the editors it doesn't become the official Hansard.

It may be necessary for me to elaborate a little more fully on it within the next day or two. I think it is a point well taken. I think everybody should be reminded that Instant Hansard is simply that: it is what people thought was intended or heard before the final editing is done. I would just like all people within hearing of my voice to keep that in mind.

#### GUELPH CORRECTIONAL CENTRE

**Mr. Ziemba:** I rise on a point of personal privilege, Mr. Speaker. The Minister of Correctional Services (Mr. Walker) has justified the treatment of Guelph prisoners, and dismissed certain charges I made last May 9, by quoting from the Ombudsman's report. What the Minister of Correctional Services did not do is quote the conclusion of that report. I would like to put that on the record because in fact the conclusion justifies my charges.

The Ombudsman states: "Notwithstanding the aforementioned findings, had the authorities at the Guelph Correctional Centre not indicated that the remainder of the inmates in the tunnelled area would in all likelihood have been released by Friday evening, May 11, 1979, it may well have been that I would have considered making some recommendations to the ministry concerning the amelioration of conditions for inmates who were required to remain in the tunnels for a longer period of time."

#### ORAL QUESTIONS

##### NANTICOKE CONTRACT

**Mr. S. Smith:** I have a question of the Minister of Industry and Tourism, Mr.



Speaker. Can the minister explain how it is the Ministry of the Environment has apparently contravened the government's buy-Canadian policy with a very important pollution control technology contract? In particular I speak of the Nanticoke environmental management program where a bid by Canadian Applied Technology was turned down in favour of a bid by the Radian Corporation of Austin, Texas.

Can the minister explain how it is that such a decision was made, especially when members of the Ministry of the Environment have admitted the Canadian bid had a system which was adequate to do the job, that their bid was apparently the lowest, and their bid obviously had the highest Canadian content? Can he explain the situation and tell us what intervention he may have made with the minister at the time?

**Hon. Mr. Grossman:** As I recall the circumstances, I was told the circumstances surrounding that were the subject matter of very lengthy discussions between the Minister of the Environment (Mr. Parrott) and the people concerned. It might be more appropriate if the honourable member asked the minister that question; I think he is out of town this week but when he returns. He was front and centre on that and was involved in these lengthy discussions. I think he would be the appropriate minister to ask and would be able to give a more complete explanation than I would.

[2:45]

**Mr. S. Smith:** By way of supplementary: since the executive director of the division of industry and trade in this minister's ministry, a Mr. Garland, was present at one of the meetings held with Canadian Applied Technology after the rejection of the bid, and since copies of all the correspondence between the company and the government have been sent to the Minister of Industry and Tourism, why is the minister unable to explain what the situation is, and whether this is a contravention of the policy? Does he not recognize that phases two and three of the same program still have to be bid upon, but that now there will be an enormous advantage to the American company which has garnered phase one? Why does the minister not know about this, and how does he regard the matter?

**Hon. Mr. Grossman:** I did not say I did not know about it; I indicated that my colleague who was intimately involved in the day-to-day discussions would be a better source of information to discuss some of the reasons the bid was turned down.

I would remind the Leader of the Opposition that while we talk about that Canadian purchasing policy as an important part of the government's strategy, its implementation ultimately rests with the Minister of Government Services (Mr. Henderson), in most instances, and with the particular minister involved in a particular purchase.

**Mr. Laughren:** It's your program.

**Mr. S. Smith:** Isn't it one government over there?

**Hon. Mr. Grossman:** Wait a minute. Obviously we get involved in situations particularly in which there is reason for the firm involved to wonder whether it is getting a fair shake, in view of the decision that is made. But I want to repeat to the Leader of the Opposition that, especially in the case of the environment, highly sophisticated and technical machinery is involved. In those instances it would be quite extraordinary for me or my ministry to presume that I or my staff had all the expertise to overrule or second-guess the decisions made by the Ministry of the Environment and its experts with regard to the technological aspect of the equipment in question.

We are present to make sure the policy is addressed, that it is very seriously addressed and that every consideration is made. To the best of our ability we satisfy ourselves that that careful and considered analysis is made.

It is for those reasons that the Leader of the Opposition obviously would be able to get more information from the minister involved with regard to the technical elements of a very sophisticated piece of machinery.

**Mr. Cassidy:** A supplementary question, Mr. Speaker: Can the minister explain how Canadian companies in the pollution control field are ever going to get themselves established and replace multinationals in this field operating in Ontario when in this particular case the Canadian company's bid was rejected, even though its price was lower than that in the bid offered by the American company?

**Hon. Mr. Grossman:** Mr. Speaker, we have a policy which, I might add, is similar to the procurement policy of almost any other government in the free world and which is not simply a straight, no-outside-considerations, lowest bid, or even 10 per cent Canadian preference. Obviously, in certain circumstances there are other considerations that come into play: the quality of the machinery, the ability to service it, the suitability of that particular machine to the project in question and so on.

This is not unusual or unique to this government. As I say, it is literally the policy



everywhere in the world where there is a procurement policy. There are certain riders and exceptions which allow some flexibility to make sure one does not buy a machine that does not fit, an inferior machine, a machine that will be difficult to service, et cetera, simply for the sake of sticking to a hard-and-fast rule.

**Mr. S. Smith:** By way of supplementary question: May I first of all remind the minister that officials within the Ministry of the Environment admit that the system offered by the Canadian company was adequate for the job required. Having reminded him of that, may I ask the minister how come he is unable to give a full and complete answer to this House on the very important matter of the failure of his so-called policy in this regard, when his own officials have already had lengthy discussions about this matter? He should be briefed and be prepared to talk to this House about it and not pass the buck to the other ministry involved.

**Hon. Mr. Grossman:** I will say to the Leader of the Opposition that, unlike him, I do not pretend to come to this House with a full and complete knowledge, or even a piece of paper explaining every single circumstance in which this government or one of its agencies purchases a piece of machinery. That would be total foolishness.

My responsibility is to be able to report to this House on the policy, the role of my ministry in making sure that policy is enforced, and the role we play.

I have indicated to the Leader of the Opposition that my colleague who was intimately involved in the matter would be pleased to provide that information.

I might also say to the Leader of the Opposition, if he would like detailed information with regard to this government contract or any other government contract, it is quite in order for him to put that question on the Order Paper or call my office the day before he wants to raise it in this House and I would be pleased to get him the information in quite extensive detail with regard to each and every purchase made by this government which appears to the Leader of the Opposition to contravene our Shop Canadian policy. I think that's a fair and reasonable position.

**Mr. Cassidy:** Supplementary, Mr. Speaker: If the minister has any intention of making reality of the policy of buy-Canadian for pollution control equipment, will he communicate with the Ministry of Natural Resources, which is shortly going to call for tenders on flood prediction and water-level monitoring systems, and tell it not to use the

same technical experts who were called in on that Nanticoke contract in order that this small Canadian company can get a fair shake in being considered for that important contract?

**Hon. Mr. Grossman:** I can assure the leader of the third party that the Ministry of Natural Resources, and every other ministry of this government, not only is well aware of our Shop Canadian policy—

**Mr. Laughren:** Except the Ministry of the Environment.

**Hon. Mr. Grossman:** —our procurement policy, which has been in place since 1974, but executes it fairly. When there are any questions involved, my ministry is available and called in to ensure that that is implemented, and that will be the case in the items the member has just referred to.

#### BLIND PERSONS' ALLOWANCES

**Mr. S. Smith:** I would like to direct a question to the Minister of Community and Social Services. First of all, I want to say sincerely that we are happy to see him here and we trust he is well.

May I ask the minister with reference to the situation that pertains for blind persons in Ontario. Can he explain why this government finds it necessary to place a 75 per cent tax on any earnings that these blind persons happen to achieve over and above \$60 per month?

Is he not aware of the fact that those who live independently in the community have only \$286 a month and work in sheltered workshops frequently, such as the one at the Canadian National Institute for the Blind in my own riding, and that if the government taxes away three quarters of what they earn past \$60, they obviously have no incentive to work past that amount and to develop the working skills and put out the production, even though the workshop has a good many orders?

Why would the government tax the blind at such a ridiculously heavy rate and take away their incentive, instead of letting them keep a good portion of that money and then having a sliding scale afterwards, taking away only some of the money until their earnings are indeed quite high? It is quite unfair as the government does it now, and does it intend to change it?

**Hon. Mr. Norton:** Not to make light of the question, I would like first to respond to the preamble of the Leader of the Opposition and to thank him for his expression of concern and all of the honourable members who have expressed concern. It is uplifting after



the other event that was mentioned earlier by the Premier and the leaders of the opposition parties.

I must say I felt that I ought to have risen at that time and commented. I wasn't sure whether I should protest or congratulate the honourable member for Rainy River. I feel today that I know something of what a whooping crane feels like. I feel like the member of a dying breed. However, I also extend the best wishes from the whooping crane society, which is in diminishing numbers here in the Legislature, to the member for Rainy River.

With respect to the question of the Leader of the Opposition, the situation he describes is one that has caused me and my colleagues considerable concern as well. As I am sure he is aware, the same situation applies to persons in receipt of an allowance and family benefits for any type of handicap or to a person who is deemed to be permanently unemployable.

The proposals I made last September to the meeting of the ministers of social services from each of the provinces addressed that question. In fact, every province endorsed the proposals that we then carried forward to the federal-provincial meeting to seek the necessary changes under the Canada Assistance Plan regulations to allow for variations in that tax-back so we would not lose cost-sharing from the federal government by making substantial changes in the rate of tax-back. As I indicated earlier in the House, that proposal was not acceptable to the federal government, as was indicated in communication received in February of this year.

I'm encouraged to read in the newspaper—although I haven't had an opportunity yet to meet with the new minister—that one of the things that has been indicated, according to the press, by the Honourable Heward Grafftey is he wishes early to seek some changes. That, in my interpretation of the news story, would indicate he is willing to address these problems with us. If that is an indication of the willingness of the new government, I know the provinces are willing to support a move to make those changes and to provide for greater incentives and opportunities for security for those persons who are able and willing to move into the work force, either on a part-time or a full-time basis.

**Mr. S. Smith:** By way of supplementary, is the minister saying there's absolutely nothing the province of Ontario can do to increase the incentives for these blind persons to allow them to retain more than \$60 a month before taking it away from their pension? Is

he saying there's absolutely nothing that can be done by the province of Ontario without the agreement of other governments? If that is the case, could he possibly explain to us his basis for that particular statement and also comment on the fact that two years ago the Ontario Advisory Council on the Physically Handicapped asked the minister to whom that council reports—the Provincial Secretary for Social Development (Mrs. Birch)—to take such action, and they're still waiting?

**Hon. Mr. Norton:** Mr. Speaker, there is very little that one could do without becoming ineligible for cost-sharing from the federal government. As the honourable member knows, for income maintenance programs there is a transfer from the federal government to the provinces equivalent to 50 per cent of the amount of pensions or allowances paid under the income maintenance programs.

I am advised that at the present time our level of exemptions—for example, the amount the member has cited for blind persons, and a somewhat higher amount for a single parent up to \$120 a month exemption if there is more than a single person in the family—already exceeds the federal guidelines. We would risk losing cost-sharing if we attempted to move unilaterally. The other alternative would be that we might be able at some point to make that move unilaterally, on the clear understanding it would require 100 per cent funding from the province of Ontario.

**Mr. S. Smith:** It doesn't require any funding.

**Hon. Mr. Norton:** It does, because of the fact that by increasing, there would be two or three factors that would have to be taken into consideration. One would be that it would create a broader eligibility for some persons. I have to be careful here so I can explain it clearly.

**Ms. Gigantes:** You had better be careful.

**Hon. Mr. Norton:** For example, if \$60 at the present time is exempt, and for more than \$60 there is a tax-back provision, if there is a fluctuation or a change in that level, obviously it implies greater cost to the province because more persons, or more income, if you wish, become exempt.

**Mr. S. Smith:** They are not working past \$60. They don't earn any more.

**Hon. Mr. Norton:** I realize that. The increased cost would have to be borne at the present time 100 per cent by the province.

**Mr. S. Smith:** There is no cost.



**Hon. Mr. Norton:** Yes, there is. When one applies that across the whole of the system—and I think the changes that are desirable ought to be applied to single parents as well as the handicapped—the costs are very high, if they have to be borne solely by the province with no cost-sharing from the federal government.

[3:00]

**Mr. Speaker:** Those answers are unusually long but I will allow one more supplementary.

**Hon. Mr. Norton:** The questions are complex.

**Mr. McClellan:** Mr. Speaker, I understand—if the Leader of the Opposition doesn't—what the minister is saying. But considering this was a matter that was included in the Throne speech, the matter of eliminating the work disincentives, the 75 per cent tax-back rate, and because of the incredible injustice that it inflicts on social assistance recipients, may I ask the minister to arrange a meeting as quickly as possible with Mr. Grafftey and Mr. Crombie to resubmit the proposals, which he was kind enough to share with us last week, and try to get a speedy decision out of his colleagues in Ottawa? If he cannot get a speedy decision out of them, will he proceed on his own initiative, because it is a matter of incredible urgency that this work disincentive be removed from our social assistance programs?

**Hon. Mr. Norton:** Mr. Speaker, I want to assure the honourable member that that communication has already gone forward. Secondly, the possibility of a unilateral act by the province is under active consideration. Obviously, because of the financial implications, it is not something with which I can proceed without careful consultation with my colleagues.

**Mr. McClellan:** I can't believe that the minister's colleagues would turn him down.

**Mr. S. Smith:** A supplementary, Mr. Speaker.

**Mr. Speaker:** We spent 19 minutes on the first two questions.

**Mr. S. Smith:** I realize that, Mr. Speaker, but it was a rather long answer.

May I ask the minister, what do these additional costs involve? Does he not understand that for the vast majority of the blind persons—at least the 50 or 60 to whom I have spoken already—they stop work when they get to the \$60 limit and do not continue working for 25-cent dollars? What is the enormous amount of money that it is going to cost the province to give these people additional incentives that will let them work and fill the

orders which are coming in from various companies to these sheltered workshops?

**Hon. Mr. Norton:** I realize that it does sound complex, Mr. Speaker, and it is. But not everyone stops working exactly at the point where one makes \$60. There are many people besides blind persons to whom this limitation applies, albeit at different levels, whether they are single handicapped persons or married handicapped persons with dependants, for example. The problem arises when those levels are changed. It also creates a broader eligibility in terms of earnings. More persons—not necessarily in the blind category but in other categories—may become eligible because of that change and, as a result, we may end up not getting cost-sharing if we proceed unilaterally.

#### USE OF HERBICIDES AND PESTICIDES

**Mr. Cassidy:** Mr. Speaker, I have a question of the Premier. With respect to the irresponsible use of 2,4-D by the Northumberland and Newcastle Board of Education to control dandelions in school yards, will the Premier tell us whether he is aware of the numerous studies by bodies such as the medical association in British Columbia and the American Environmental Protection Agency showing that 2,4-D causes cancer and birth defects?

Could the Premier explain why, even after the board has been clearly violating the spraying guidelines laid down by the Ministry of the Environment, no stop order has been issued and no prosecution has been launched by the government?

**Hon. Mr. Snow:** Down with the dandelions.

**Hon. Mr. Davis:** Mr. Speaker, these decisions were quite obviously made by the duly elected local boards—supported, I am sure, by members opposite in terms of principle.

**Mr. McClellan:** Local autonomy; that's the issue here.

**Hon. Mr. Davis:** Listen, I was not participating in the discussions where the members opposite were a little critical of the Minister of Housing (Mr. Bennett) for, in their view, apparently taking away some local decision-making responsibilities.

**Mr. McClellan:** Let's talk about 2,4-D and children. Let's talk about spraying 2,4-D in schools.

**Hon. Mr. Davis:** Does the member have a supplementary?

**Mr. McClellan:** Just answer the question.

**Hon. Mr. Davis:** Listen, I am directed by the Speaker, not the member, with great



respect. I am trying to answer the member's leader. I did not know the member had such aspirations. I thought his party just went through a leadership convention fairly recently. Is the NDP contemplating a change?

**Mr. Makarchuk:** Would the Speaker bring the Premier to order?

**An hon. member:** The Premier's party needs a new leader.

**Hon. Mr. Davis:** I would say to the leader of the New Democratic Party that I am quite prepared to get the information for him. The Minister of the Environment (Mr. Parrott), I think, has discussed this matter although not as it relates to the specific situations. The Minister of the Environment will be here on Monday next. He is busily engaged in one of our western provinces at a conference dealing with environmental issues. But I will be delighted to get this information for the honourable member, perhaps by tomorrow morning, but preferably on Monday.

**Mr. Cassidy:** Supplementary: Since the Premier has invoked local autonomy and since the Minister of the Environment says it will be a great educational experience for people in the area to work it out, is it the government's experience that if a school board invokes local autonomy it has the right to violate the Pesticides Act and use a cancer-causing chemical around children in order to control dandelions? If that is not the government's position, will it issue an order to stop the spraying before this weekend and to keep 2,4-D away from school yards until it can be positively shown that there is no harm to children's health?

**Mr. Bounsall:** To every board in the province.

**Hon. Mr. Davis:** I think the leader of the New Democratic Party may be making an assumption. I haven't checked the provisions of the act, but it may just be that they are not in violation of the provisions of the act. That's just a possibility.

Interjections.

**Hon. Mr. Davis:** Just sit back, relax, be comfortable for a moment or two. I did not suggest that any local school board or municipality had any right to act in violation of any provincial statute—or federal, for that matter—nor did I suggest—

Interjections.

**Hon. Mr. Davis:** Welcome back to the member for Sudbury East. I'm delighted to see him here.

**Mr. Martel:** It's great to be back.

**Hon. Mr. Davis:** How did you get in so quietly?

**Mr. Martel:** Right through the front door.

**Hon. Mr. Davis:** I see. I am quite prepared to check this for the member and try to have an answer tomorrow, but it may not be until Monday.

#### NAMING OF MEMBER

**Mr. Speaker:** Could I have the attention and the indulgence of the House for a moment?

On May 31 in the afternoon an incident took place in the House where the member for Sudbury East accused another member of telling an untruth. When I asked the honourable member to reconsider his position and when I asked him if he would reconsider withdrawing the remark, he said he would not. Before I had an opportunity to name him, he picked up his files and said, "No, I would not care to reconsider because I'm tired of this guy's lies."

**Hon. Mr. Timbrell:** Now he's going to get thrown out.

**Mr. Speaker:** We are back to where we were, I say to the member for Sudbury East. If he will not withdraw it I have no alternative but to name him at this time.

**Mr. Martel:** Name me then.

**Mr. Speaker:** I have no alternative under the circumstances.

**Mr. Martel:** Nothing has changed, Mr. Speaker.

**Mr. Speaker:** In the interests of consistency, I will have to indicate to the honourable member that he does not enjoy the privileges of a member of this House for the balance of this sitting.

**Mr. Yakabuski:** Can't he pick dandelions down there?

**Mr. Martel:** Nothing has changed from last week, and so I will leave again.

**Mr. Martel** withdrew from the chamber.

#### USE OF HERBICIDES AND PESTICIDES (continued)

**Mr. Cassidy:** Supplementary, Mr. Speaker: Is the Premier not aware that the Northumberland and Newcastle Board of Education has been spraying school yards in winds of 25 miles per hour, when the ministry guidelines say clearly one should not spray in winds of more than seven miles per hour? Is the Premier aware the school board has been spraying school yards when children were present, when this is also a clear violation of



the government's guidelines? In view of these facts, why won't the government act now to stop the spraying until it can establish whether 2,4-D is safe and establish that the guidelines are being observed?

**Hon. Mr. Davis:** I am pleased to sense the leader of the New Democratic Party is now in at least some doubt about his unequivocal statement that 2,4-D wasn't safe. My information is that the rather categorical statement he made in the initial question is perhaps not substantiated by fact. I said to the honourable member, and I can do no more than this, that I will take a look at the situation. I think it is something the Minister of the Environment should deal with on Monday, but if I can get some further information for the member for tomorrow morning, I shall endeavour to do so.

I must confess I do not know the exact velocity of the winds that were prevailing at that precise moment when 2,4-D was being used. I bow to the experience and the fact that the member was there himself and had a windometer there and was able to make that calculation. I honestly didn't know.

**Mr. Conway:** Allan Lawrence was giving a speech.

**Mr. B. Newman:** Supplementary: In the Premier's attempt to arrive at an answer to the question by the leader of the third party, will he also assure the House in that answer that 2,4-D does not have any harmful effects on young children causing a symptom or disease called Reyes syndrome?

**Hon. Mr. Davis:** Mr. Speaker, I would be quite prepared to pass on any information I have or will obtain. I long ago learned not, in any personal way, to give assurances that will relate to medical knowledge, et cetera, I don't personally possess. I am even reluctant to give opinion on legal matters, having been away from that profession for a number of years, unlike many of your colleagues, Mr. Speaker, although I could be provoked into doing that perhaps more readily than on medical matters.

#### FOREIGN INVESTMENT

**Mr. Cassidy:** Mr. Speaker, if the minister of industry and foreign ownership would take his seat, I have a question for him.

Not long ago the American magazine *Barron's* said the only US business that wouldn't be cordially welcomed to Canada is Murder Incorporated.

I have a question for the minister arising out of the fact that since January of this year, according to the records we have been able to monitor, 108 of the 117 applications

before the Foreign Investment Review Agency for takeovers and the creation of foreign-owned businesses in Ontario have been approved.

Are we to assume Ontario is concurring with 92 per cent of the applications before FIRA that relate to Ontario and, given that record, can the minister explain the difference between the flexible approach to foreign investments which he described in this House just two days ago and the kind of open-door policy which seems to prevail?

**Hon. Mr. Grossman:** I would say in response to the representative of the multinational unions that he may conclude a high proportion of the approvals granted by FIRA have some sort of approval in turn from the government of Ontario.

I should remind the member there is and has been for some years something called New Principles of International Business Conduct issued by the federal government in 1975, which set out, I suppose, 14 criteria. I will quote it. It sets out a form of good "principles of a good corporate behaviour which are recommended by the Canadian government." It goes on to list them.

One would hope FIRA, during that period of time, is reflecting those in its decisions. We make recommendations; obviously our recommendations have a high level of concern for the jobs being created by those firms, which is not to say, I might add, we trade off parts of our industry where we ought not to make that trade-off.

I should take this opportunity to state very firmly to this House that of our recommendations, while about 90 per cent of them are accepted by the federal government, 10 per cent are not. The key importance of that 10 per cent is that they revolve around instances in which we feel we do have strong Canadian industry that can survive, or weak Canadian industry which needs some protection against the type of influence and market control an American company or multinational company might bring in. I want to make it quite clear we are vigilant against the type of behaviour and the types of firms which will adversely affect Canadian industry.

On the other hand, there are a vast majority of FIRA applications which result in undertakings pursuant to our requests from those firms setting up here to begin sourcing in Canada for the first time to buy from all sorts of small and medium-sized Canadian-owned businesses. That is part of the undertaking. If we get those proper undertakings and the code of behaviour which the federal government issued in 1975 is adhered to, then



the proper type of FIRA approval results in a substantial strengthening of smaller and medium-sized Canadian firms carrying on business in this country which need access to that new market which may be opening up in this country.

[3:15]

**Mr. Speaker:** We have spent 32 minutes and we have not finished the fourth question. This seems to happen each time certain cabinet ministers are asked questions. It's become quite obvious that if we're going to make maximum use of this one-hour-long question period and give everybody a fair opportunity to participate, I am going to have to prevail upon the ministers to cut down on their answers. If it requires a more detailed response, perhaps they could either table it or do it by way of a ministerial statement.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Could the minister explain how these foreign entries into the Ontario market will create so many jobs here in this province, according to what he has just said, when 35 of the firms that have been approved from January to May of this year were firms that are going to import products into Canada and will be in the import business, bringing in products made by people in other parts of the world, while less than that number are companies that will actually be carrying out manufacturing here in this country?

**Hon. Mr. Grossman:** Mr. Speaker, I was asked to explain, so I must do that with your forbearance. I'll try to be shorter than the question.

**Hon. Mr. Davis:** The member was making a speech.

**An hon. member:** If the member gives us a speech, how else do you answer?

**Mr. Speaker:** What is the difference between a one-minute speech and a six-minute speech?

**Hon. Mr. Davis:** Five minutes.

**Mr. Speaker:** Five minutes, yes.

**Hon. Mr. Grossman:** In a sentence the member is dead wrong. However, I will take a moment or two to respond. I would like to see the list which the member purports indicates all—I took it he was indicating all—of those firms were allowed into this country in that period of time. I suspect the list of 35 he has is just part of the number of firms that were allowed into this country.

**Mr. Cassidy:** That's a third of it.

**Hon. Mr. Grossman:** It's just part of it. There are many other firms that I know were approved by FIRA in that period of time

which created other jobs directly in this province.

Second, I think before he talks about 35 firms which are importing, it might be instructive to look at where those firms located. I want to say quite frankly, there is a regional bias in favour of certain parts of this country and certain parts of this province that need jobs. FIRA and this government were a little more lenient in terms of allowing jobs into those communities than we were in other communities. Northern and eastern Ontario, I would think, particularly appreciate that consideration.

Finally, I might add that the mere fact a firm is importing some of its products or all of its products into this country does not automatically mean there isn't a great deal of work created for other Canadian people. For example, where a product is imported, there is substantial pre-delivery work to be done in many cases—shipping, packing and distribution. Provided we have undertakings with regard to the sources of those materials and services, then we do have Canadian jobs created.

#### PECHE ISLAND

**Mr. B. Newman:** I have a question of the Provincial Secretary for Resources Development. Is the minister aware that Pêche Island in the Detroit River at Lake St. Clair presents a rare opportunity for a park in an urban environment, accessible by public transportation and yet not isolated from the city, and that its proximity to population and the island's great natural characteristics provide a tremendous recreational and educational potential? What plans does the minister have for that island since the government drew up a master plan in 1973?

**Mr. Makarchuk:** They are going to put an airport on it.

**Hon. Mr. Brunelle:** I recall very well a very pleasant visit there with the honourable member several years ago. As he says, it is a great recreational area and a very scenic area and it has great potential.

**Mr. Conway:** Try to preserve our Essex county Tories.

**Hon. Mr. Brunelle:** I'd be pleased to keep the member up to date on what has happened since then.

**Mr. B. Newman:** Supplementary: Is the minister aware that natural erosion may completely destroy the island or substantially destroy it unless action is taken fairly shortly?



**Hon. Mr. Brunelle:** I'd be pleased to consider that. We will look into it.

**Mr. Cooke:** Supplementary: Since this park is in my riding and I've written the Minister of Natural Resources (Mr. Auld) several times about it, I'd like to ask the Provincial Secretary for Resources Development when he is looking at Peche Island to keep in mind that an investment in that island would assist in diversifying the economy of Windsor, which right now is totally based on the auto industry.

**Hon. Mr. Grossman:** Thanks to this government, not thanks to you.

**Mr. Cooke:** To expand the economy in Windsor into tourism would be very important. The government paid half a million dollars for that island, and it's about time it was developed for the use of the public, not just for those who can afford boats.

**Hon. Mr. Brunelle:** I will be pleased also to consider the honourable member's suggestion.

#### NUCLEAR PLANT SAFETY

**Ms. Gigantes:** I have a question of the Premier. I wonder if the Premier would reconsider his position that the Rolphton reactor should start up as soon as the current leak can be plugged if I provide him with Hydro figures showing that the tritium emissions from that reactor, which is only a 20-megawatt reactor, have recently been as high as the total tritium emissions from the four reactors at Pickering which produce 2,400 megawatts of electricity?

**Hon. Mr. Davis:** My understanding involves two matters: First, there may be some discussion of this next week. Second, I find some difficulty in the concept of a group of people in this Legislature—and I am not in any way minimizing our collective wisdom or insight into some of these issues—putting ourselves in the position of making a determination I think is highly technical in nature and requires a great deal of knowledge and understanding and expertise. I confess to the honourable member I don't pretend to have this, and, with respect, I think that may apply to a number of other members of this House.

When we have, in terms of the law and in practice, a control agency that has the responsibility for the licensing and the safety of these plants, for us to assume that responsibility in their stead, which is really what the member is asking in this question, I think is a very serious matter. I am concerned about safety, I am concerned about what policies develop in terms of the use of nuclear energy,

but I think we should be reluctant in this House to put ourselves in the position of acting as a control agency or licensing authority when, with respect, I don't think we have the expertise or the competence to come to those sorts of judgements. That's what the Atomic Energy Control Board is for. I would suggest that is the logical and proper position to take.

**Ms. Gigantes:** Supplementary: I would like to ask the Premier, now that it's quite clear to everybody in Ontario that Rolphton is the rattletrap of the Ontario Hydro system, if he doesn't think it would be perfectly reasonable to keep that plant, which runs at an economic loss and is useful only in terms of training Ontario Hydro personnel, closed down until there is a public examination of documents which have not been publicly available before?

**Hon. Mr. Davis:** I think this matter has been discussed here in the House and I gather maybe there will be an occasion to discuss it even further. I don't pretend to describe Rolphton the way the member for Carleton East describes it. I don't even think the members opposite who have some points of view—I am not sure the member for Renfrew North (Mr. Conway) would express that point of view—

**Ms. Gigantes:** That's quite relevant. That's quite relevant.

**Hon. Mr. Davis:** Does the member for Renfrew North believe that Rolphton is the—how did the member describe Rolphton?

**An hon. member:** The Yakabuski Tinkertoy.

**Ms. Gigantes:** The rattletrap.

**Hon. Mr. Davis:** The rattletrap, is it, of the Hydro system? That is certainly not the point of view conveyed by the mayor of Deep River and many other constituents of the member for Renfrew North. I know the member for Carleton East has the expertise to make that sort of judgement; I confess I haven't.

I think the relevant issue here surely is who has the responsibility, in terms of the competence and expertise, for the protection, licensing and control of nuclear plants. That happens to rest with the Atomic Energy Control Board. If they say it is wrong to open, or if they have reservations, heavens above, Ontario Hydro will accept that judgement; they always have. They are the people who have to make these determinations.

**Mr. S. Smith:** Supplementary: Agreeing with the Premier that there is unlikely to be anyone in this House with the technical expertise to grasp a priori all these nuclear



energy matters, would the Premier nonetheless not wish to reflect on the question, in the aftermath of Three Mile Island and given the recent suggestions by the Science Council of Canada? Would he not like to reflect on the question of having a regulatory agency that actually has open hearings?

Does he not recognize that it is not the policy of the Atomic Energy Control Board to hold public hearings of an open nature? Does he not also recognize that the time perhaps has come to have on the regulatory authority some representation from people who are not entirely involved in what you might call the nuclear industry itself? Given that a different kind of more impartial regulatory agency with open hearings does not exist at the moment, does the Premier not recognize some need to bring that about? Does he not see that perhaps the select committee, for example, is a place where an open hearing can be heard, where not only the technocrats and the experts make decisions for the people, but the people's representatives at some point have something to say about it, as well?

**Hon. Mr. Davis:** Mr. Speaker, trying to abide by your suggestion of a few moments ago that there were really probably three questions included in the one, and I also think, with respect, the Leader of the Opposition has to draw some distinction—

**Mr. McClellan:** Try answering one of them.

**Hon. Mr. Davis:** —I think the concept of establishing "a select committee" to hear members of the public—

**Ms. Gigantes:** You are going to be sorry when Joe brings in freedom of information.

**Mr. Speaker:** Order. Just ignore the interjections.

**Hon. Mr. Davis:** I get very confused. The member for Carleton East interrupts me. I always get nervous when she interrupts; I become totally inhibited when she interrupts.

**Mr. Conway:** Just pretend it is Bette in the cabinet.

**Hon. Mr. Davis:** I don't want to correct the member, but really, Atomic Energy of Canada Limited happens to own that plant at Rolphoton and I am sure she is aware of that. It is not owned by Ontario Hydro.

**Ms. Gigantes:** You are right. Ontario Hydro are the licensees.

**Hon. Mr. Davis:** I thought just to add to her storehouse of information that the member would like that piece of relevant knowledge.

Dealing with the issue of a select committee, I have no objection to some mechanism whereby members of the public have an

opportunity to express points of view, but I think really the Leader of the Opposition is in some respects contradicting what he said earlier. The concept of having the AECB in some situations—perhaps not in all—available for public input, as the Minister of Energy (Mr. Auld) has suggested as it relates to Rolphoton, there would be some merit, and I think he has had some communication, that AECB would be prepared to meet with citizens or have presentations from citizens with respect to this issue.

But, one gets back to the same problem, to the two concepts the Leader of the Opposition suggested. One is AECB, in some situations, having public input; that is one concept. A select committee, again, could listen to people, and perhaps make some overall judgements, but when it comes down to the actual determination as to the licensing or the operational safety of a particular nuclear plant, I really think in our system it is better to have that responsibility resting with an authority and not with a standing or select committee of this House.

As I say, I am as anxious as anyone to see that there be public information and public understanding, but at the same time somebody has to assume the responsibility and I really think a select committee of this Legislature is not that sort of vehicle.

## LIQUOR REGULATIONS

**Mr. Pope:** I have a question for the Minister of Consumer and Commercial Relations. Could the minister advise the House as to what will be the policy for the issuance of permits for the consumption of alcoholic beverages, in view of the various arrangements that are being made by clubs and organizations throughout Ontario for the celebration of Canada's birthday?

**Hon. Mr. Drea:** Yes, Mr. Speaker, and I also had a private query from the member for Yorkville. I have signed a regulation which will treat July 1—

**Mr. Conway:** Yorkville? Yorkdale? Try again.

**Mr. Makarchuk:** It sounds like a new constituency.

**Hon. Mr. Drea:** Yorkdale? Sorry, Yorkview? Well, Mr. Young, anyway. He has been here a long time.

I have signed a regulation that will treat July 1 which is a Sunday, as an ordinary day for purposes of the Liquor Act, so a special occasion permit will allow the consumption of alcohol from noon to 1 a.m. on July 2, and in terms of licensed premises the special



50-50 food-liquor ratio that is normally applicable on Sundays will not apply.

In order to avoid a supplementary from the member for Brantford, there has already been a regulation signed concerning November 11 of this year, Remembrance Day, so that veterans' clubs will enjoy the same privilege.

[3:30]

#### FOREIGN INVESTMENT

**Mr. Laughren:** On a point of privilege, Mr. Speaker: In his response to the member for Ottawa Centre (Mr. Cassidy), the Minister of Industry and Tourism stated that there was a strong regional bias in Foreign Investment Review Agency approvals of foreign investment and foreign takeovers. I know the minister would want brought to his attention and to that of the members of the House that we were misled, in that 68 of the 108 approvals were for companies in Metropolitan Toronto.

**Hon. Mr. Grossman:** Mr. Speaker, just to clarify the record: I did not mislead the House. Of course a lot of applications come into Metropolitan Toronto. The information the member has brought to the attention of the House is not the total picture. What I was saying was that many of the applications in areas that need the employment very badly would be approved and looked favourably upon by our government, differently from the way we would look on applications in areas which do not need the—

Interjections.

**Hon. Mr. Grossman:** For example, we look very favourably upon applications in Sudbury, because we want to assist Sudbury in any way we can. The member may think otherwise.

#### ALCOHOLISM TREATMENT

**Mr. O'Neil:** Mr. Speaker, my question is to the Minister of Community and Social Services. This matter concerns Serenity House of Quinte, which is located in the city of Belleville. As the minister knows, this is a recovery home dedicated to the care, counselling and rehabilitation of persons related to the abuse of alcohol.

In my letters to the Minister of Community and Social Services, the Minister of Health (Mr. Timbrell) and the Minister of Correctional Services (Mr. Walker), I have expressed that this home may be forced to close if it is not given some type of financial assistance. This will result in some 250 individuals losing the use of facilities, with some

of them being forced to return to jails, hospitals and other institutions.

**Mr. Speaker:** Would the minister agree?

**Mr. O'Neil:** Can the minister tell me whether he has made a decision to assist them?

**Hon. Mr. Norton:** Yes, Mr. Speaker, I am familiar with the situation with respect to Serenity House. It is my understanding that the Minister of Correctional Services has indicated the possibility of a contractual relationship with respect to part of the operation of Serenity House, which I trust will be of some assistance.

A senior person on my staff has been in communication with the director of Serenity House, I believe, to discuss the possibility of some assistance for the residential component through the hostel program, which would require some involvement by the municipality; through that, we can fund up to 80 per cent of \$14.50 a day, which may help with respect to the residential component.

I understand part of the problem they may be facing is that a number of their programs do not fall within any of these categories; so that in so far as we are able to assist them we will be willing to explore those possibilities with them. There may still be parts of their program for which they may have to turn to the community to try to get some on-going voluntary support.

#### ACCIDENT BLACKSPOTS

**Mr. Philip:** Mr. Speaker, I have a question of the Minister of Transportation and Communications. The minister will no doubt agree that one means by which the death and injury toll on Ontario highways can be reduced is through the redesign of stretches of highway that have been identified by the select committee on highway safety as black spots.

I wonder if the minister can tell the House what percentage of the 270 deaths that occurred on Ontario roads in the first three months of this year happened on those so-called black spots.

**Hon. Mr. Snow:** I am sorry, Mr. Speaker; I cannot tell the honourable member that right offhand. I shall try to obtain that information for him.

**Mr. Philip:** Has the minister given any thought to establishing a program to inform drivers of the locations of these black spots?

Can the minister inform the House whether he or his cabinet colleagues have compared the benefits of an enhanced black-spot-improvement program with the new highway law-enforcement program announced by the



Attorney General (Mr. McMurtry), which his office informs us will cost in the vicinity of \$3.5 million?

**Hon. Mr. Snow:** First of all, I will have to relook at the select committee's definition of a black spot and give consideration to the honourable member's suggestion.

#### GM SETTLEMENTS

**Mr. Rotenberg:** Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations. I would like to question the minister about the problem of the Chevrolet engines in Oldsmobile cars. In view of the fact two other provinces have settled with the owners on the basis of \$200 compensation plus extended warranties, is the ministry and is the minister prepared to recommend this type of settlement? What will be happening to the consumers in Ontario?

**Hon. Mr. Drea:** In conjunction with the Attorney General of this province (Mr. McMurtry), who must be consulted before such an arrangement could be consummated, we are not going to file the mandatory consents General Motors wants.

The history of this particular problem, Mr. Speaker, you will recall, was that people in good faith bought Buicks—the Century, the Regal or the Skylark models—with LM1 or LG3 engines; the Delta 88 model with an LM1 or an L65 engine, or a Pontiac Ventura or Ventura SJ equipped with an LG3 engine. They thought they were buying either a Buick, an Oldsmobile or a Pontiac engine. They weren't. General Motors deceived them. It stuck a Chevrolet engine in there.

General Motors now wants to make things good. They're not just offering \$200. It also includes a 36-month special mechanical performance certificate and reimbursement for some actual expenses. However, in return for that, General Motors wants the Attorney General of this province to sign a modified release form. The Attorney General of this province, and up until a few days ago the Attorneys General of the other nine provinces, refused to do this, because it would be giving General Motors a special consideration not available to anybody else.

For reasons best known to themselves, three provinces—Quebec, British Columbia and Prince Edward Island—signed that form. In any negotiations this ministry has had with General Motors, we have consulted with the Attorney General of this province and we have been advised he will not sign that release form for General Motors, so General Motors, before it gets settled in the province of Ontario, is going to have to come up with

something better. After all, it deceived the public.

**Mr. Rotenberg:** Mr. Minister, that's all very well, but in the meantime people in three other provinces have received a settlement and people in Ontario have not. Can you indicate to this House when the people of Ontario can expect to get some settlement and some resolution of this matter?

**Hon. Mr. Drea:** As the Minister of Consumer Relations in this province, I am not going to sell the consumer down the river for the sake of expediency. The matter will be settled, it will be settled very equitably. General Motors, notwithstanding its worldwide reputation or its immensity, is not going to dictate to the province of Ontario how it is going to settle up with people it deliberately deceived.

**Mr. Breithaupt:** Can the minister tell us approximately how many of these particular vehicles are in this circumstance of the wrong engine?

**Hon. Mr. Drea:** I can't. I can get that information for the honourable member. The reason I indulged the members' generosity to read the engine numbers is we have a feeling a number of people have not yet submitted claims because they are still not aware of the fact they were peddled a Chevrolet engine when they bought an Oldsmobile or a Buick.

**Mr. Swart:** Are we to assume from what the minister said that he is going to insist that in fact they replace the motors with the type of motors that were supposed to be in the car the first time?

**Hon. Mr. Drea:** No, Mr. Speaker, we are not putting terms and conditions on this. General Motors has made an offer to the people for whom we have been negotiating. We—and I emphasize we, because the Attorney General is involved—do not feel it is an offer we will endorse by the Attorney General's signing that release form. What General Motors does to persuade the Attorney General of this province to give me consent I know not, but it is going to have to sweeten the offer.

**Mr. Makarchuk:** They'll make you an offer you can't refuse.

**Hon. Mr. Drea:** Mr. Speaker, it won't be an offer I can't refuse. I will just draw one more point to the attention of the honourable members. None of the negotiations that my ministry and the Attorney General are carrying on affect the right of the owners of these cars to take direct action in court, if they so choose.



## GAS AND OIL SUPPLIES

**Mr. Haggerty:** Mr. Speaker, I would like to direct a question to the Premier. The Premier is aware of the grave situation in the United States with regard to their energy crisis—gasoline and diesel oil shortage—and rising energy costs, particularly heating oil, and the phasing out of United States energy control, known as decontrol. Is he aware of the following statement by the president of Texaco Canada Incorporated to the shareholders?

"Canada presently has about 400,000 barrels a day spare refining capacity, most of which is located in the Atlantic provinces and in Ontario. It is hoped that the Canadian and United States governments will make every effort to remove the current obstacles to increased exports of refined products to the United States. There are advantages to be gained on both sides." I suppose that comment means they want to capitalize on the energy shortages in the United States.

Can the Premier indicate to this legislative body what steps his government is prepared to initiate to guarantee sufficient supply of petroleum fuels and home-heating oil for residents of Ontario? Also, what steps is the government initiating to ensure that pricing guidelines are maintained by a government agency in the interest of Ontario consumers?

**Hon. Mr. Davis:** Mr. Speaker, I appreciate the very short question from the honourable member. It might be more helpful if he were to put it on the Order Paper, so I would have an opportunity to, firstly, digest the observations by the head of Texaco and, secondly, to see how his question relates to the observations of that particular individual.

The policy of this government is consistent and well known. Our policy has been to endeavour to—

**Mr. Conway:** Sell Petrocan?

**Hon. Mr. Davis:** Listen, Sean. You be careful. I'll remind you of your policy—world price yesterday, higher prices for the consumers of gasoline and heating oil. The Liberal Party policy is tremendous.

**Mr. Conway:** I will take bets you will sell it.

**Hon. Mr. Davis:** I wasn't going to become provocative this afternoon.

**Mr. S. Smith:** You're sensitive about Petro-Canada.

**Hon. Mr. Davis:** I'm not sensitive about anything, other than those responsibilities I have as Premier.

**Mr. S. Smith:** Would you sell it or keep it?

**Hon. Mr. Davis:** I'm just delighted that others have other responsibilities, and I don't have to resolve those issues.

**An hon. member:** How about changing the embassy around?

**Hon. Mr. Davis:** I was interrupted, Mr. Speaker, in the answer to my question. I think the answer basically—and this is subject to a careful assessment of the question—I think the answer to the latter part of the question probably would be "yes," if I recalled every part of it. I think probably yes.

If the member wants to put it on the Order Paper so I can get that more definitively, I will be delighted to endeavour to do so.

**Mr. Haggerty:** It's in Hansard now.

## REPORTS

SELECT COMMITTEE ON  
THE OMBUDSMAN

Mr. Lawlor from the select committee on the Ombudsman presented the committee's sixth report and moved its adoption.

**Mr. Lawlor:** Perhaps before moving the adjournment of the debate, Mr. Speaker, I may be permitted to say a few words about this committee and in particular about the report now before us. Copies are being distributed to the members' boxes at the post office and copies have been delivered to the press gallery.

The central point is outlined in an obituary column at the beginning of the report. It was done deliberately in black, and it reads as follows: "The purpose of this 'special report' is to focus the Legislature's attention solely on outstanding matters wherein recommendations of either or both of the Ombudsman and this committee have been ignored or refused.

"It is the committee's intention that its recommendations in this report will be individually debated and voted upon by the Legislature. Only when that has been done, will the Ombudsman's function have been completed. Only when that has been done, will this committee's order of reference have been fulfilled."

[3:45]

On motion by Mr. Lawlor the debate was adjourned.

## GUELPH CORRECTIONAL CENTRE

Hon. Mr. Walker tabled the reports of the Public Institutions Inspection Panel and the Ombudsman on the Guelph Correctional Centre disturbance of May 7, 1979.



## MOTIONS

### COMMITTEE SUBSTITUTIONS

Hon. Mr. Welch moved that the following substitutions be made: on the social development committee, Mr. Turner for Mr. Rowe; on the general government committee, Mr. Rowe for Mr. Turner.

Motion agreed to.

### HOUSE COMMITTEE MEETINGS

Hon. Mr. Welch moved that notwithstanding any standing order of the House, the standing resources development committee may meet tonight and the House may meet to consider legislation in the resources policy field.

Motion agreed to.

## INTRODUCTION OF BILLS

### LOCAL SERVICES BOARDS ACT

Hon. Mr. Bernier moved first reading of Bill 122, An Act to provide for the Establishment of Local Services Boards.

Motion agreed to.

### DURHAM MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

Hon. Mr. Brunelle, on behalf of Hon. Mr. Auld, moved first reading of Bill 123, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Durham.

Motion agreed to.

Hon. Mr. Brunelle: Mr. Speaker, this bill dissolves the 12 existing commissions in the region of Durham and establishes new hydro-electric commissions for the municipalities of Ajax, Brock, Newcastle, Pickering, Scugog, Uxbridge and Whitby and a public utilities commission for the city of Oshawa.

This bill is also based on the principles of the Hogg committee and is similar to the previous restructuring legislation.

All customers in Ajax, Oshawa and Whitby will be supplied with power by the new commission no later than January 1, 1980. As in previous restructuring bills, there is a provision for earlier implementation as a result of agreement between a new commission and Ontario Hydro.

The new commissions in Brock, Scugog, Uxbridge and Newcastle will supply power to their present municipal hydro customers. Existing customers of Ontario Hydro in Brock, Newcastle, Scugog and Uxbridge will continue to be supplied with power by Ontario Hydro until the council of the area municipality, with the consent of Ontario Hydro,

directs the new commission to supply power in all areas of the municipality. In the interim, the councils are required to review the distribution and supply of power at least once every three years.

For the new Pickering Hydro-Electric Commission, the date for the commencement of the distribution and supply of power and for other related matters will be six months after the commencement date for the other new commissions, and the term of the first commissioners of the Pickering Hydro-Electric Commission will extend to November 30, 1982. This additional six-month period is to ensure that the utility will have sufficient time to establish its new operation.

The control and management of the bus transportation system of the city of Oshawa is transferred to the commission established by the bill for the city of Oshawa.

The basic principles of this bill, which are consistent with previous restructuring legislation, have been reviewed by the Ontario Municipal Electrical Association, the Association of Major Power Consumers in Ontario, the Association of Municipalities of Ontario and the Provincial-Municipal Liaison Committee.

This bill was thoroughly reviewed by members of the correlation team and other local authorities in the Durham region. Discussions have also been held with members representing ridings in that region. On behalf of the government, I wish to express my appreciation to the correlation team for its work.

### MONTCREST SCHOOL ACT

Mrs. Scrivener moved first reading of Bill Pr14, An Act to revive the January School as Montcrest School.

Motion agreed to.

### TOWN OF AURORA ACT

Mr. G. Taylor, on behalf of Mr. Hodgson, moved first reading of Bill Pr15, An Act respecting the town of Aurora.

Motion agreed to.

### CITY OF OTTAWA ACT

Mr. Nixon, on behalf of Mr. Roy, moved first reading of Bill Pr9, An Act respecting the City of Ottawa.

Motion agreed to.

### TRUSTEES OF WINDSOR GROVE CEMETERY ACT

Mr. B. Newman moved first reading of Bill Pr16, An Act respecting the Trustees of the Windsor Grove Cemetery.

Motion agreed to.



## MUNICIPAL AMENDMENT ACT

Mr. Isaacs moved first reading of Bill 124, An Act to amend the Municipal Act.

Motion agreed to.

**Mr. Isaacs:** The purpose of this bill is to require that any vacancies arising on a municipal council in the first 11 months of the term of that council shall be filled by a vote of the electors. In a case where a vacancy occurs with fewer than 13, but more than eight months of the term remaining, council may choose to hold a by-election or may make an appointment. With fewer than eight months remaining, the bill continues the present requirements that the vacancy may only be filled by appointment.

## ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Welch:** I wish to table the answers to questions 181, 193, 196, 198, 199 and 202 standing on the Notice Paper. (See appendix, page 2676.)

## BUSINESS OF THE HOUSE

**Hon. Mr. Welch:** Pursuant to standing order 13, I wish to indicate to the House the business for the remainder of this week and next week.

This afternoon we take into consideration the ballot items standing in the names of the members for Dovercourt (Mr. Lupusella) and Carleton (Mr. Handleman). This evening we have Bill 17 in committee; Bill 46, second reading and committee as required; Bill 93 in committee; then Bills 80, 81 and 82, second reading and committee as required.

On Friday morning the House will sit in committee of supply to continue the consideration of the estimates of the Ministry of Intergovernmental Affairs.

On Monday, June 11, the House is in committee of supply to continue consideration of the estimates of the Ministry of Intergovernmental Affairs.

On Tuesday afternoon, June 12, until 6 p.m. we will take into consideration, as time allows, Bill 52, second reading and committee as required; Bill 8, in committee; Bill 89, second reading; and Bills 90, 99, and 89 in committee. In the evening, we will turn to Bill 93 in committee, if it is not finished this evening. Then second reading, and committee as required, on the following bills: 108, 109, 110, 111, 112, and 113.

On Wednesday, June 13, the resources development, general government and justice committees may meet in the morning.

On Thursday, June 14, in the afternoon, we have the ballot items standing in the names of the members for Waterloo North (Mr. Epp) and Lakeshore (Mr. Lawlor).

On Thursday evening, June 14, we resume the adjourned debate on the motion for the adoption of the interim report of the select committee on Hydro affairs, dated May 24, 1979.

On Friday morning, June 15—and I would draw members' attention to this because it is a bit of a change in our routine—we will do legislation. We will take into consideration, as time permits, Bills 100, 101, 103, 114, 104, 116, and 117.

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Lupusella moved second reading of Bill 98, An Act to amend the Employment Standards Act, 1974.

**Mr. Lupusella:** I would like to thank the House for the opportunity to rise in debate on my bill today. It is an important bill because it gives me the opportunity to present views about those working places in the province affected by electronic surveillance. In my opinion it is time this government moved, through legislation, to keep electronic surveillance under control instead of having electronic surveillance controlling the work place.

The bill is a very simple one but it is extremely important because it deals with a basic human right, the right to work in dignity. Freedom from constant electronic surveillance in the work place is essential if we are going to maintain the right of privacy, the right to work in dignity and the furtherance of progressive labour-management relations. That is what this bill is all about.

The purpose of this bill can be stated quite simply by referring to section 1(15)(a) which says: "No employer shall install or operate an electronic surveillance device or system in the place of employment to record or monitor the work and the other activities of its employees unless the installation and the operation of such device or system is reasonably necessary, the proof of which lies upon the employer, for the protection of the health and the safety of the employees."

[4:00]

As we are all aware, Mr. Speaker, the stimulus to this bill obviously arises out of the situation at the Puretex Knitting Company



Limited, a situation which first came to the attention of this Legislature in the fall of 1976. It was only last week that the successful resolution of the problem at Puretex was achieved after a struggle by the workers and their union which lasted more than two years, two and a half years. This bill, Mr. Speaker, if adopted, will ensure that never again in Ontario will workers or their unions be faced with the same indignities and intrusions which confronted the workers of Puretex.

It might be useful for members to hear some of the comments of the arbitrator in the Puretex case. Mr. S. R. Ellis has concluded that: "The full-time use of closed-circuit television systems for constant observation of the work performance and the conduct of employees in an industrial setting would be widely regarded, I believe, as seriously offensive in human terms. I'm certainly of that view."

He goes on to say: "It is difficult to conceive of circumstances in which consideration of efficiency would justify such an affront to human dignity. Any use of cameras that observe employees at work is intrinsically seriously objectionable in human terms. The use of the cameras in the production areas of the plant cannot be justified."

This comment, Mr. Speaker, paralleled that of an arbitrator in a US case in 1965, Mr. H. T. Bellamy, who concluded that: "The device . . . is not only personally repugnant to the employees but it has such an inhibiting effect as to prevent the employees from performing their work with confidence and ease. Every employee has occasion to pause in the course of his work to take a breather, to scratch his head, to yawn or otherwise be himself without affecting his work. An employee, with reason, would hesitate at all times to so behave if his every action is being recorded on TV." He goes on by stating: "To have the workers constantly televised is to me reminiscent of the era depicted by Charlie Chaplin in *Modern Times* and it constitutes in my mind an affront to the dignity of a man."

The *Sunday Star* of November 19, 1978: in commenting upon this case, the editors point out the distinction between the work place and the prison should be preserved.

There may be those who argue employers should have the right to use electronic surveillance to enable them to be more productive and efficient. First, it is obvious the largest and the most efficient enterprises do not use such devices but, more importantly, we must recognize the principle that society can and must place limits on the authority

of employers to pursue their activities. Indeed, the Legislature has done it many times.

We don't allow employers to pay below the minimum wage in order to be more efficient and profitable. We do not allow employers to set working hours arbitrarily in the name of efficiency. We do not allow employers to practice discrimination in order to be more efficient. In a similar manner, we cannot allow employers the right to subject their employees to the indignity and intrusion of electronic surveillance.

It may be useful to review some of the history of this issue. It was on November 10, 1976, that I first brought this matter to the attention of the government and, in particular, the Minister of Labour. At that time I stated:

"My particular concern is that the use of television monitors, if it won't be prevented by your ministry, might be expanded in all industries, and they are going to keep under control all the workers in any factory . . . I am not sure when this particular issue is going to be dealt with by the Ontario Human Rights Commission, but I strongly recommend that this kind of action be prevented and we stop the expansion of these closed-circuit television monitors, because there is no need for this. We are going to affect psychologically those workers who are employed in any sector of the industry in our province, and I don't think it is going to be worthwhile to have such a system to control what the workers are doing."

The Minister of Labour at that time replied:

"I was very much distressed by the Orwellian overtones of this kind of behaviour. It's tantamount, I think, to directing immigrants and workers in this province to live in a specific place, as well as to be supervised by closed-circuit television or anything of that sort. It really is rather frightening."

"If that union is going to make application to the human rights commission, you can be sure that it will be dealt with expeditiously."

That is what the then Minister of Labour stated on November 10, 1976, after I raised this particular issue during the estimates of the Ministry of Labour.

As we all know, the matter was not dealt with expeditiously; in fact, it was resolved in quite another forum. Despite the previous minister's concern and the concern expressed by the present minister about oppressive electronic surveillance, there has not been any initiative by this government to deal with the pernicious violation of human privacy and dignity. In the absence of any



such initiative, the need for this bill is quite obvious.

I am sure that the principle of this bill will have the support of the Liberal Party and its leader, who had introduced a similar bill and made the following comments in the House on December 7, 1978:

"Will [the minister] come forward with a simple amendment making it illegal to have that type of surveillance or, at the very least, demanding that a permit be obtained proving that it is needed for security, safety or something of that kind and get rid of this oppressive productivity surveillance? Why doesn't he come forward and move an amendment? He will know he has the support of both the other parties."

Again, the leader of the official opposition party stated in committee on November 29, 1978:

"There is simply too much dehumanization in modern industry, by the very nature of modern industry, to introduce this kind of dehumanization of the work place. Taking advantage of these immigrant women who are desperate for work—who are paid so little anyhow—and treating them with such indignity, simply has to stop.

"I don't pretend that I am somehow or other a white knight rushing in on the issue. I know darned well that this has been a real thorn in the side of the New Democrats who have raised it time and again. I have made my views on this known on occasion. But both opposition parties want to halt this."

That is what the leader of the Liberal Party stated on November 29, 1978.

In conclusion, Mr. Speaker, I think there is no doubt that the employer takes away the worker's human dignity by using electronic surveillance. It is clear that such practices have been used just to increase production in the work place. I believe, and my party believes, that the employer uses electronic surveillance as a psychological tool, making the worker believe he is always being watched in order to increase production. Therefore, in my opinion, electronic surveillance has no place in a free society such as ours. It is a fundamental civil liberty that no worker should feel he is spied upon by electronic surveillance.

Finally, electronic surveillance is at the beginning of its era; we need legislation now, before the situation deteriorates to the point where we cannot control it in the work place any more. By enacting legislation now, the employers of this province are going to have practical, factual, clear guidelines of what they must do in relation to this particular

issue of electronic surveillance in the work place.

In my opinion, if the government is not receptive to this particular issue at this point in time, it will be too late; the electronic-device era will have expanded and I am sure it will lead us, in the province of Ontario, to a police state in the work place and nothing else. In view of the indisputable principles involved, I am hoping all members of the House will support my private member's bill for the sake of human dignity and civil rights.

As I stated in my press release of May 18, 1979: "If the bill passes, working people will have won a significant victory. They will be free to work without electronic scrutiny. They will be treated like mature human beings with dignity, and not as slothful criminals to be controlled by any possible means. Surely in 1979, Mr. Speaker, in Ontario, this is a basic right which can be supported by all members of the Legislature."

With such spirit lighting my private member's bill, I am urging the government and the official opposition party to pass this legislation now, before the problem becomes uncontrollable in the province of Ontario, in order that we indicate clear legislation to employers at a time when electronic surveillance in the province of Ontario is, as far as I am concerned, not widely used.

[4:15]

Again—and I want to emphasize this—as I stated in the course of my presentation—electronic surveillance is at the initial stage of its use and this government must feel a responsibility to deal with the problem now before it is too late.

**Mr. Acting Speaker:** The honourable member has two and a half minutes remaining. I gather he wishes to reserve it.

We generally rotate and I am looking to the government benches for a speaker. We generally go clockwise.

**Hon. Mr. Elgie:** As Minister of Labour and as the minister intimately involved in bearing some responsibility for industrial relations, human rights issues and the quality of working life, it is really only quite natural I have an intense interest in the matter the member has raised. In his remarks, he was commenting on the interest that the Minister of Labour should have in these matters and I hope he will agree the legislation this ministry has introduced during the past eight to nine months has indeed shown that commitment to matters relating to the work place and to workers in the work place.



I commend the member for bringing this particular issue before the House at this time. It is rather timely, as a matter of fact, since the arbitrator's award in this issue came out just last week.

I recall the debates and the discussions that we held last December, both in committee and in the House, with regard to that Puretex case, and I am sure the member for Dovercourt recalls that all members shared a great degree of interest—more than interest—in the plight of the people involved in the plant at Puretex. As you know, Mr. Speaker, the parties in that dispute were able to reach a collective agreement which eliminated the particular camera which faced the women's washroom. The matters relating to other cameras were to be dealt with by an arbitrator, and that has now been done.

The recent decision of S. R. Ellis that the member has referred to ordered the removal of those cameras directed at the production areas of the company, but did approve the continued use of those cameras near the loading dock, the storage area and the parking lot.

I have no personal knowledge at the moment as to the current status of the decision in terms of whether or not there is agreement as to its implementation, and for that reason—I am sure the member will understand—I don't wish to comment further on that decision. However, the manner in which the issues were finally addressed by all parties, and the arbitrator's very careful definition of acceptable and unacceptable cameras, do serve to illustrate the complexity of the electronic surveillance issue in its broader context.

In my view it is clear that electronic surveillance in the work place can't be considered in isolation. There are other kinds of surveillance, both in and out of the work setting, and together they raise the whole issue of the individual's right to privacy within our society in general and not just in the work place.

I think it's worth remembering that there are great varieties of supervision. There is the kind we face daily here for an hour to an hour and a half. There is the kind that citizens face on occasion with the police. There is the kind that students face with teachers. There is the kind that husbands face with wives, and vice versa. Often in those situations privacy and the right to privacy is a very contentious issue.

Technology has produced an essential qualitative change in the nature of supervision. It is now possible to replace the human observer with an electronic unit and—I agree

with the member—the potential for both overt and covert observation in many circumstances increases enormously.

However, we're speaking today particularly about surveillance in the work place and, as with most issues which have industrial relations implications, surveillance, whether traditional or electronic, depends for its acceptability on the delicate balance of employees' rights against employers' rights. On the one hand there is what I view to be—and what the member clearly views to be—the right to privacy and the right to dignity in all aspects of life. On the other hand there are certain rights an employer has, such as, for example, the right to have his business secure from theft.

It's well documented that some establishments encounter increasing and continuing problems with theft. The member will recall the Ellis decision. Ellis referred situations where, in the face of excessive theft, surveillance might be warranted.

One survey of selected Ontario industries suggested one firm in seven experienced serious problems with internal theft and sabotage. From their point of view they might legitimately require a number of forms of surveillance from time to time to try and deter theft.

In some cases, employees themselves are concerned about theft—for instance in the locker rooms, where their own personal property is involved. This is a further complicating factor with the bill the member has introduced; it doesn't allow for that particular kind of surveillance. There is also the matter of inadvertent surveillance of the work place—for example in a bank, where scanners aimed solely at security also inadvertently scan the work place and the workers there.

These interests must be considered in relation to the values basic to our society, which hold that the individual enjoys freedom, the right to privacy, and human dignity in other aspects of his life.

As an enthusiastic proponent of the concept of a quality working life, I am disturbed by actions which imply that citizens in their employment relations deserve less respect than they do in other aspects of their life.

Obviously, the balance is difficult to achieve and the member knows that. And it may change from time to time, depending on the extent to which the rights of another are endangered.

The bill introduced by the member for Dovercourt fails to recognize either the complexity of the issue or the legislative imperatives which must be met. If, as a



result of further deliberation, it is determined that legislation is required, a careful assessment will have to be made as to whether the Employment Standards Act is the proper route to go.

I don't say this critically, but let's not forget, Mr. Speaker, that under the Employment Standards Act an officer has the right to order the payment of wages, and under a prosecution there's a power to order a fine. But there is no power to correct a wrong. There is no power, for example, to issue a cease and desist order. Surely that's the very core of the issue that should be dealt with.

I submit to the member that the act he has selected for his amendment is really not the appropriate channel. There are, however, other legislative alternatives which I'm prepared to consider.

As I mentioned in this House on May 18, I have asked my ministry's research branch to undertake a study of the implications of electronic surveillance, examining its workplace application in the broader context of privacy I mentioned earlier.

I've also asked them to review relevant legislation in other jurisdictions and to consider the options open to us. I'm pleased to tell the member, in the House, that I have now received the first draft of that discussion paper and within the next two or three weeks I hope the final paper will be issued for discussion by all interested parties.

But let me put it in perspective. I agree with the member and with members of this House that pervasive and unrestricted electronic surveillance of the work place is oppressive and undesirable, unless there are specific reasons for it. And that's the complexity of the matter which I think the member's bill has failed to deal with.

I welcome the discussion my ministry's paper will receive and when I have had the benefit of the discussion of that paper, I will make a decision as to the appropriate route to take.

I'm not able to support the legislation that's being proposed today, but I commend the member for having the principle discussed.

**Mr. Van Horne:** I am again amazed, as I frequently am in this House, to hear the government defend its position of non-support in the private members' hour. I guess when I finish here as a member, I'll go back to school and try to learn a little bit more about what private members' hour is all about.

In private members' hour the Liberal Party generally votes according to the conscience of its members. Very seldom do we attempt

to block anything, and I would submit to you, Mr. Speaker, that in this instance, in speaking to this bill, I personally am pleased to support it. I am also pleased to indicate that when our caucus reviewed the business of this week practically all, if not all members, determined they too would be pleased to support Bill 98, An Act to amend the Employment Standards Act.

Going back to my comments directed to the Minister of Labour, the member for York East, I have read Hansard from the committee debate last fall. I have read in Hansard the questions asked in the House by our leader and by members of the New Democratic Party and, in looking at the answers given by the minister, I find time and again an indication that he is concerned; that his ministry is concerned; that his staff is looking into it; that something will be done.

**Mr. Lupusella:** Three years have elapsed.

**Mr. Van Horne:** In spite of these assurances of some kind of action and concern, we have really heard nothing until this private member's bill which is being discussed today. That's not to suggest that something hasn't been done, because the minister has just said something is coming to us. We will be able to look at a paper. It's high time that we looked at a paper. It's high time something was done.

It's rather strange that the government reacts to this and lets us know that something is coming to us on the very day the bill is discussed. It's rather strange, too, that it would seem an arbitrator's decision has precipitated some kind of action from the government.

The government knew the problem was there. They professed to have some kind of concern for the dignity of the worker in the work place. But in my view they have shown darned little evidence of being anything more than verbally responsive until the heat was put on, by us, by the NDP or by some incident—again, we have to look at the Puretex situation—which, when bared and brought to the public scene, really does reflect the inhuman conditions under which some people in this province of ours are expected to work.

The minister made reference to a delicate balance between employees' rights and employers' rights. I don't find anything in this bill which would detract from the rights of an employer, and certainly at second reading level and in private member's hour we should be concerned with the principle. If we as members can't agree on the principle here, the principle of some kind of dignity, some kind of right for an employee, I would submit to you we're falling far short of the mark of



what is expected of us as members of this Legislature.

I am pleased to support this bill. The leader of our party presented a similar bill, as was mentioned by the member for Dovercourt. I believe it was in December 1978. He presented it for this whole purpose of having it brought to the fore in principle; for the purpose of having the public become more aware; for the purpose of some discussion before it came to the floor of this chamber. I think it's fair to say, too, that the member for Hamilton East (Mr. Mackenzie) has, on more than one occasion, brought similar concerns to the House. This matter has been before us many, many times and it's time it was resolved.

We all know that second reading of a bill such as this does not necessarily mean it's going to be carved in stone. We know that. I have to ask, why is it then that an issue such as this has to be blocked, as apparently it will be through the determination of the government that wants to do things only its own way? I am not convinced that anything is going to be done, even with the paper coming to us. But maybe with the paper and with support for this bill, something will be done.

Thank you very much; I enjoy supporting this.

[4:30]

**Mr. McClellan:** I don't see the Minister of Labour in the House.

**Mr. Lupusella:** He has left.

**Mr. McClellan:** I suppose he considers it appropriate on an issue like this, to come in here and tell us he opposes the bill—I assume the implication is that he and the trained seals over there intend to block the bill—and then walk out without listening to the debate or the argument. He comes in here with his mind made up, gives us his veto and then he disappears.

I thought that might bring the Minister of Labour back. Why doesn't the minister come and take his seat and listen to the debate? Why doesn't he come and take his seat and listen to the debate on an issue like this, an issue which is a scandal in this community? It is a scandal in this community.

**Mr. Lupusella:** He should be ashamed of himself.

**Hon. Mr. Elgie:** I gave it the attention it deserved.

**Mr. McClellan:** I had the opportunity to go out to the picket line during the strike. It was one of the coldest picket lines I have ever been on; I think it was the coldest picket line I was ever on. I was taken by

the picket captain and the striking women to the front of the Puretex building and we peeked through the window into the president's office. We looked into the president's office and there was his desk. Right in front of his desk was a bank of nine television monitors, so this person could sit there in his proprietorial splendour and monitor, supervise and spy on his employees during the whole of his working day.

I don't know what kind of jollies he got out of that, but I will tell the minister what the community got out of that—a kind of outrage I can't recall on any other issue for a long time, perhaps not since the early attempts to reform the Workmen's Compensation Board in the late 1960s and early 1970s. I don't think there has been an issue so offensive to people in the New Canadian community in this city. I say that with as much urgency as I can convey.

It is not a complex issue. It is not a great, complex issue. It is a question of fundamental moral principles, of fundamental moral values, in the words of the arbitrator. The use of cameras to observe employees at work is intrinsically seriously objectionable in human terms. It is an affront to human dignity. It is. It is not complex, it is not a question of competing—

**Hon. Mr. Elgie:** Who said it was?

**Mr. McClellan:** It is not complex. The minister said it was so complex this legislation failed to address the total complexity of the issue. That is a lot of rot.

**Hon. Mr. Elgie:** I said there was a lot more to it than the issue raised.

**Mr. McClellan:** That is the kind of moral myopia that has allowed this issue to fester for almost three years. It was brought to the Ontario Human Rights Commission in November 1976 and it was brought to the attention of this Legislature the same month by my colleague from Dovercourt. It was prominently featured in the media in this community.

What did we get? What have we got now? Nothing. Not a damned thing. Not a damned thing from this government. All we have is the suggestion of the chairman of the human rights commission, Dr. Crittenden.

It is my feeling right now that when the union negotiates its contract it should negotiate that electronic surveillance be excluded. Leave it up to the worker to try to get these degrading devices out of the work place. Leave it up to the workers and their unions. See if they can do it.

The human rights commission showed what it would do over the course of two



and a half years—absolutely nothing. I don't understand it. I am genuinely baffled. I asked myself what use is a human rights commission if it is so blind to such a fundamental human rights issue as the right to privacy, as the right to dignity in the work place and as the right to protection against electronic snooping that it is incapable of recommending even a board of inquiry to the Minister of Labour. They tried twice to grapple with this complex issue, this great conflicting set of moral principles. Rot.

**Mr. Lupusella:** Phoney excuse.

**Mr. McClellan:** They suffer from a moral myopia, which is as much a concern in the Ontario Human Rights Commission as the issue itself, if they can't see such a blatant misuse of power of one person against another, of Mr. Satok against his workers. And so it went on, as I have said, for two and a half years.

We brought it up last fall in the estimates of the Ministry of Labour. The minister said he had the evidence of the human rights commission before him and he would have to decide whether or not he would order a board of inquiry, but he didn't. He hasn't brought in his legislation. He is promising to study the issue because it is so complex. He has to consider the rights of the employer.

I say to the minister the rights of any employer do not extend to the use of electronic surveillance devices, except for the purposes set out in this bill, that is to protect health and safety. Let's remind ourselves that we're talking about immigrant women who are being victimized by this kind of degradation.

It's difficult for me to deal with this. I don't understand how the minister can be—and I say this to him as a friend—so complacent on this issue. He won't like those words and he won't like this speech, but he is acting in a way which gives communities great offence.

This is a very clear moral issue. It is an issue of such fundamental human importance and significance that I say to him he has no right to block this bill. We have given the government time to bring in its own legislation. We have given them two and a half years to act and they have not acted yet.

The arbitrator tells us there are other plants in this province using electronic surveillance devices. He makes reference to another textile mill. Guess who works in textile mills?

The minister has done nothing and he has threatened to veto this bill. I plead with the minister not to. Let this bill come to a vote

Let this bill go out to committee. Let this Legislature look at it and look at all of the issues. Let people from the communities who are so offended by electronic surveillance among the New Canadian work force come forward and give us their views.

What is the minister afraid of? There's nothing to fear in the democratic process, nothing to fear at all. The only thing we have to fear is those who would bury their heads in the sand and fail to deal with serious problems and stall as the previous Minister of Labour stalled for two years—and stall, if I may say so, to my friend the Minister of Labour, as he is stalling with his survey and his promise of a future look. Here is the look—

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. McClellan:** —and I urge him to let us pass this bill and deal with it.

**Mr. Sterling:** I realize how important this issue is to many of the people who are working in manufacturing plants and various other places. I don't think anyone in this Legislature would dispute the fact we should not only maintain but we should improve the quality of work life wherever we can.

I would also like to mention, Mr. Speaker, that I don't think anyone can dispute, in the short period of time the present Minister of Labour has occupied that post, he has been anything but sensitive to this kind of issue. His determination in bringing Bill 70 before this Legislature was not without trouble. I think he's indicated in his opening remarks that he has tried to address this issue to date, but there are certain problems he has outlined in his remarks and which I, also, see with this piece of legislation.

Take for instance, a small manufacturer who has an electronic surveillance camera on his loading door. Is that permitted under this piece of legislation? I think in the Puretex decision, it was indicated the employees were not so much concerned with the warehouse and storage areas as they were with the production areas.

I think the member for Dovercourt, who brought forward this piece of legislation, pointed out there doesn't seem to be widespread use of these electronic devices at this time.

**Mr. Lupusella:** That's why we have to act now. It's as simple as that.

**Mr. Sterling:** If that is the case, then surely we have time to look at the report which the Minister of Labour is to bring forward. Surely we have time to look at the complex situa-



tions that can arise as a result of this fairly simple statement within Bill 98.

I don't think anyone disputes the fact that the dignity of the worker must be maintained as a priority. I don't have any qualms about supporting that on a higher plane in terms of the property aspect which the employer has to maintain, but we have to face some problems.

What happens if theft is occurring and it is of substantial proportions? What does one do in those circumstances, especially when it happens in a smaller type of business? How can the employer adequately supervise in some circumstances large warehouses where he has no alternative than to go to some more modern way of protecting the property? Otherwise, he is in continuing problems with maintaining that business.

**Mr. Lupusella:** They have to demonstrate why they are using electronic surveillance. The bill is giving them such an option.

[4:45]

**Mr. Sterling:** The problem, as I see it and as I think the minister was trying to outline, is not a black-and-white issue, as perhaps the member for Bellwoods sees it. Nothing is black and white in business either. This must be looked at in terms of maintaining employment for these workers in the best possible circumstances. I don't mind placing the priority of the dignity of the worker in the highest plane and then taking these other things in a minority situation and trying to apply them to the situation.

**Mr. Grande:** That's what we're saying.

**Mr. McClellan:** Let's sit down and work out a bill, then.

**Mr. Sterling:** Let's sit down and work out a bill. I think that is exactly what the Minister of Labour wants to do.

**Mr. Grande:** The minister said in two years from now.

**Mr. Sterling:** It seems I cannot support this piece of legislation in its present status. It is trying to treat a subject which is far too complex, in terms of the variables that are involved, in a very simple way.

There are many other examples that can be brought forward. What do we do in terms of prisons? What do we do in terms of—

**Mr. McClellan:** We're not talking about prisons.

**Mr. Sterling:** It is a work place for someone. What does one do about the guards who are being electronically surveyed?

**Mr. McClellan:** That's a question of health and safety; it's a question of safety in prisons.

**Mr. Sterling:** What does one do about shoplifting in a retail store, where they have electronic surveillance? What do we do with all these matters? That is what I would like answered.

**Mr. Handleman:** You don't start with a flawed bill and make a good one out of it. You start with a good bill and make it better.

**Mr. McClellan:** No, send it to committee and we will do that.

**Mr. Sterling:** For these reasons, I cannot support this bill.

**Mr. O'Neil:** Mr. Speaker, I am very pleased to rise in support of this private member's bill introduced by the member for Dovercourt. The members in our party and our leader have also shown considerable concern about the setup of these cameras, and the matter has been raised on several occasions by our leader in questions to the Minister of Labour.

It is also my feeling and I would say that of the majority of our members that the setting up of these cameras take away from the rights of the employees of this factory. If they were installed in other factories or other work places they would do the same thing.

I think back to when I was an employer of a number of employees. I think it is much better to build up a relationship of trust with those people who are working for you or with you, to establish standards and to set patterns within a work place, rather than to have cameras that would seem to spy on those working for you.

We have heard the minister's comments that he proposes to bring in further information on this. But I think I feel the same way as members in our party and the members in the NDP—that it is a bit of a farce, when we have the private members' hour where we can introduce bills, and then these bills are voted down and not allowed to go to committee for discussion.

It is my feeling that if a lot of these private members' bills were allowed to go to committee stage we would have input from all three parties. If the minister feels the present bill is not suitable, in the committee stage suggestions and alterations could be made to the bill. I think we could come up with a bill whereby we could stop things such as this going on, yet provide protection not only for the employees but also for the employer in the circumstances.

So I for one, as a private member, will support this bill. It is my hope the minister and members of the Conservative Party will also reconsider their stand and let this bill go forward to committee.



**Mr. Deputy Speaker:** The member for Oakwood for up to three minutes.

**Mr. Grande:** Mr. Speaker, I would like to congratulate the member for Dovercourt for having brought a bill into this Legislature that is so fundamental to the working conditions of workers, so fundamental to the whole basis of the democracy in which we live, that I haven't seen any bill like it come before this Legislature in the last three years I have been here. This bill is of such a magnitude.

The member for Dovercourt has been interested in this since 1976. The Minister of Labour, as he quoted before, was interested in this since 1976.

**Mr. Lupusella:** The former Minister of Labour.

**Mr. Grande:** The former Minister of Labour talked about this in 1976. I think the member for Dovercourt quoted the minister as saying this signals an Orwellian state. I wish the present minister would listen for a second.

**Hon. Mr. Elgie:** Oh, come on.

**Mr. Grande:** I do have three minutes and I would like to take advantage of the minister's ability to listen, if he can.

If a Minister of Labour in 1976 considered that television surveillance was bringing about the beginning of the Orwellian state, what kept the Minister of Labour in 1976 from beginning the report, starting the fact-finding process in which this minister got involved in November 1978? If the minister does indeed have this report, why didn't he table it today, so we would have facts and information upon which to debate this bill.

**Mr. McClellan:** I asked the minister to do that a couple of weeks ago.

**Mr. Lupusella:** Why didn't he do it?

**Mr. Grande:** Why is he keeping that report within his ministry? Why didn't he produce it prior to today so we would have the information and could find out about the complexity of the issue about which the minister speaks? This issue is very simple; it is not complex.

My colleagues from both sides of the House and the member for Carleton-Grenville on the government side of the House, said this bill talks about human dignity, about the work place, about very fundamental values. The government cannot take two or three or four years to make a decision about such fundamental values in our society. Would they be taking two or three years if it referred to the right to freedom of speech or the right to go to church and worship?

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. Grande:** Thank you, Mr. Speaker. I hope the minister will reconsider and let this bill go to committee. It is very important that it do so.

**Mr. Deputy Speaker:** The member for Dovercourt for two and a half minutes.

**Mr. Lupusella:** Mr. Speaker, I would like to speed up the conclusion of my remarks by conveying my appreciation to the Liberal Party, which came out in support of this bill. I am in some ways very upset about the attitude of the Minister of Labour, representing the government. The content of his speech showed he is rejecting this bill, even in principle.

The minister has been talking about the complexity of the bill and the problems that will arise as ramifications of my private member's bill. I think it is fair to state that the Minister of Labour doesn't believe in the principle of the bill, per se; rather he is concerned about the complexity or ramifications of the bill itself. The attitude of the Minister of Labour is a slap on the faces of working people of this province and he must realize that. It is time his government and he, as the Minister of Labour, realize their duty to effect legislation to solve certain problems in the work place. Particular reference was made to Puretex. Let me say that the Minister of Labour is accepting or buying the thoughts which have been said for years and years by the owner of Puretex that he has been robbed and that the use of cameras or monitors has been based only to support the thesis that he has been robbed. The arbitrator, through the Minister of Labour, on his investigation came to the conclusion that such a proposal or such a point hasn't been demonstrated. For three years, the former Minister of Labour and the present one have been playing with human lives in the work place.

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. Lupusella:** If I can conclude, it is time to represent the workers of this province. If the minister and his colleagues block this bill, I hope the voters will remember that at the next provincial election.

**Mr. Deputy Speaker:** That concludes the allotted time for ballot item 19.

#### PATIENTS' BILL OF RIGHTS

Mr. Handleman moved resolution 19:

That, in the opinion of this House, the government of Ontario should consider the introduction of legislation requiring each governing body of a health discipline to which



the Health Disciplines Act, 1974, applies and the Ontario Hospital Association to develop and adopt a patients' bill of rights codifying the rights of every patient who receives services from a practitioner of that health discipline or from a hospital that is a member of the association.

**Mr. Handleman:** Mr. Speaker, I am pleased to have the opportunity finally to present a private member's ballot item. I am one of those people who is unlucky in lotteries. In the first lottery I participated in, my name was drawn at the very end and I had to pass by my opportunity earlier in this session because of circumstances beyond my control.

I would like to explain at the outset that in putting forward this resolution I imply no criticism of those in the health disciplines or in the Ontario Hospital Association. I happen to have been unfortunate enough to have been more of a recipient of the services of this system during the last five years than in all of my previous years and I have come to appreciate the excellent standard of service which we in Ontario are able to call upon when they are needed.

On the other hand, I believe there is no time in one's life when one is more insecure than during the period when these services are required. While I have faith and trust in the competence of those who are rendering the service—and my purpose in putting the resolution reflects that—the patient in his or her insecurity might possibly be reassured by knowing that there exists a code outlining what he or she is entitled to during that period of helplessness.

We have come a long way in this province, in this country and in this continent in that direction since the following rules for patients of the Cornwall, Ontario, General Hospital were issued in 1897. I would just like to quote from the rule: "Patients must be quiet and exemplary in their behaviour and conform strictly to the rules and regulations of the hospital and carry out all orders and prescriptions of the various officers of the establishment." There could hardly be anything more authoritarian than that.

Hospitals on this continent and others in the health-care delivery system have worked hard to develop better communications with those who are entrusted to or who place themselves in their care. The Ontario Hospital Association, for example, on December 13, 1978, issued a set of guidelines to the chief executive officers of all member institutions in this province. The guidelines were designed to assist those officers in dealing with the expectations and responsibilities of individuals in their particular care.

If I might, I would like to read from the Ontario Hospital Association's philosophy of patient care which it has issued for the guidance of its members. I am not going to read every provision in it because many of the hospitals have taken and modified them to their own use.

[5:00]

The patient is entitled to expect skilled, qualified, and experienced professional and non-professional staff. He can expect that the hospital will maintain the facilities necessary for staff to carry out their tasks; that it will maintain and upgrade the knowledge and skills of the staff. It goes on in that vein. It's drawn from the American Hospital Association's bill of rights, which was passed by the delegates to a convention in 1973. That's perhaps the most widely followed of all of the codes, and it reflects the importance of consent, particularly, and acknowledges the primacy of patients' rights.

In Canada that bill had wide support. The 1973 Pickering report, which many members of this Legislature are aware of, favoured the development of a patients' care bill of rights. In 1974, I'm very proud to say that the first hospital to adopt it, the Royal Ottawa Hospital—a 235-bed institution—adopted the American Hospital Association bill, with very slight modifications.

One of the particular items in the Ontario Hospital Association code deals with the matter of hospital medical records. One would normally think that medical records which are intimately involved in the well being of the patient would be made freely available to him. The fact is that the Public Hospitals Act and its regulations prevent that from happening. In fact, there are many good reasons for that kind of restriction.

It's overly simplistic to say that the patient is entitled to know everything the hospital has on record concerning him. On the surface it appears to be fine. However, what we have to have, what is absolutely necessary, is a clearcut definition of what the patients' rights are with regard to the availability of hospital records. Certainly, we can't expect the patient to receive a short, fast medical course so he can understand fully all the technical data which is on file concerning him. But my own feeling is that he has a right to expect a code defining the standard of care, and if necessary, what he not only can expect, but demand.

In conducting the research for this resolution I have been pleased to note the extent to which the systems in Ontario and the professions have gone towards meeting that. The problem is that it's sporadic; it's spotty;



it's not uniform. The patient has a right to expect, in this very important field, some uniformity.

It's also a fact that the rights which have been codified to date on a voluntary basis are purely voluntary. They're privileges rather than rights. The Ontario Patients' Rights Association, headquartered in Toronto, has published a patients' rights manual. Having read it, I'm concerned about the adversary tone it adopts in dealing with what it calls patients' complaints. I understand that patients do have complaints. On the other hand, I don't think that's the primary reason for having a patients' bill of rights. It is to expand on the knowledge of the patient concerning his rights, and if necessary he should be able to demand them. That's the reason I have put the resolution in the way it is. Rather than a code of rights being imposed on institutions and those in the health-care system, the system should be required to develop a uniform code which the patient can then use in demanding or expecting his rights.

That, then, becomes a process of self-regulation. I suppose this is where some of us depart on the question of principle. I would prefer to give self-regulation a full chance to work successfully before saying, "it hasn't worked. Now we, the government, are going to make it perfect." I have yet to see a government program which has reached the stage of perfection, and it's too much to expect that self-regulation will reach that state on its own, but it should be given an opportunity to work on its own. Therefore, I have put the resolution in the form of requesting the government to consider legislation to require the publication of these codes. I assume in any such legislation there would be a timetable, a deadline by which it must be met.

If I had had an opportunity to redraft the resolution, I would have included a very important group of institutions which are not now in—that is, nursing homes. I regret their exclusion. The resolution was drafted hurriedly in order to meet a deadline before we had expected to do that.

The resolution calls upon the government to consider the introduction of legislation which would require health disciplines, all of those in the Health Disciplines Act and those who would seek to be included in the Health Disciplines Act, not only those who are at present in it but those who would come within it. It would seem to me if any such legislation was introduced and approved by the members of this Legislature, the act itself contains the remedies which would

enable a patient to obtain redress in the event of a violation of his rights as codified. Violations would constitute misconduct under the Health Disciplines Act, and there are certainly remedies in that act for enforcement. There are also tribunals set up at the present time to deal with them.

The member for London North (Mr. Van Horne) mentioned he would have to go to school to see what the private members' hour is about. In my view, private members should be proposing action the government can take and then let us criticize that action when it has been taken. This is exactly what my resolution does. If the government comes in with this kind of bill, and I hope it will, then we can sit and modify it, if necessary in committee, and improve upon it. I would rather the government took that initiative, having had it brought to its attention during the private members' hour.

I don't want to require the government to intervene in a dispute between a patient and an institution, or a member of the health disciplines. I have had some experience in the interventionist approach and the interventionist society which appears to be gaining some strength. I am one who resists it and hopes to continue to resist it, which again explains why my resolution would allow the professions and the institutions to draft their own code.

I look forward to the comments of my colleagues in the Legislature. I hope this resolution will receive their support, but if it doesn't I don't think I will be as exercised as some members who feel everything they put forward should receive harmonious consent. I hope it does, but if it doesn't it won't hurt my feelings.

**Mr. Deputy Speaker:** The member has used up half his time. Does he wish to reserve the other half, which is 10 minutes?

**Mr. Handleman:** Mr. Speaker, I may want to comment on the comments that are made but I don't think I will need all of that time.

**Mr. Deputy Speaker:** How many minutes would you like to reserve?

**Mr. Handleman:** Five minutes.

**Mr. Conway:** Mr. Speaker, I rise happily to support not only the resolution of the member for Carleton, which is rather interesting, but indeed the member himself, who from time to time provides me with the basis for other agreement. We like to have the Renfrew-Carleton axis at work as often as possible.

I suspect that somewhere in the precincts we have Mrs. Anne Coy. I think she indeed may be in the special gallery this afternoon.



I wanted to draw attention to her work, and that of her particular association which has been very much recommended to me. She has led a movement in this direction of highlighting the need for patients' rights in a way I think is proper. Anne and I have not always agreed. In fact, at a forum not very long ago at the St. Lawrence Centre we differed rather sharply on the full import of patients' rights as she sees them and as I see them, but I think her work in this connection is a credit to her association and to her own civic mindedness. I'm sure all members would join with me in that connection.

As far as the resolution itself is concerned, I must tell the member for Carleton he has given us something so innocuous as to be absolutely supportable without contention, it seems to me. I await my colleague from Oshawa to jump to his feet and join with me in making this a unanimous support. I sincerely hope he will.

**Mr. Breaugh:** You're pushing me offside, Sean. Be careful.

**Mr. Conway:** Indeed, it was the member for Oshawa's comments this morning that really provided the basis for my little remarks this afternoon. I awakened, as I'm sure all of the members did, to CBC Metro Morning to hear the illustrious member for Oshawa talking about the old-boy network and the work of our social development committee as it endeavoured to look at some of these questions to which this resolution directs our attention. I suspect the member for Oshawa's comment about the old-boy network is the very thing that leads me to support the intent of the member for Carleton's suggested consideration for the codification of certain agreed-to patients' rights.

I think there is at the root of the whole question of patients' rights a growing and fundamental question about the right of the citizen, in this case the patient, to know certain things in a democratic society. Notwithstanding the fact the new federal Prime Minister and his administration will open the doors to freedom of information in such a way as to make Vatican II look like a very secondary effort, I think we in this jurisdiction should be undertaking initiatives such as the honourable member's resolution dictates, rightly or wrongly, and in most cases I believe it is rightly.

A growing number of patients, and therefore citizens, feel they are not being treated responsibly or fairly by their health-care professionals. Indeed it is my own feeling that our professional elites, our professional societies in the health-care field—and I suppose most notably the medical community—

have failed to keep pace with a growing desire for consumerism, if I might use the word generally speaking in this connection. There are too many doctors and other health-care professionals—I dare say lawyers as well—who just feel it is their professional prerogative to dictate to the consumer, the patient or whatever, what that person believes is right, without any opportunity for participation by the patient or the consumer.

With our present levels of sophistication and education I believe those kinds of attitudes in the professional community are clearly intolerable. I know the honourable member for York West would indicate that is not something to be found in the pharmacists' community, but certainly in terms of most health-care professionals the public perception is one of an old-boy network, a closed-shop sense, which in large measure could be redressed, I believe, by proceeding with the consideration that the honourable member's resolution calls for.

More than anything else, it must be done to restore public confidence in the professional community. I have had the opportunity as a politician, to say nothing of the opportunity as a health critic, to have witnessed certain discussions and dialogue in this connection. Really and truly it is amazing that in the late 1970s people in the health-care industry should be of such a mind, and perhaps it is not directly related, that we still have situations where by and large hospital meetings are closed to the public in many cases. We have that kind of ethic permeating the whole area that is for many of us a most central social-policy field. In many cases, to serve their own professional self-interest, it would serve the medical community and others very well to have the honourable member's resolution proceeded with.

The presumption that is often acted upon that I, as a consumer or as a patient, cannot understand what the honourable member for York West is likely to tell me in a pharmaceutical sense, is a presumption I am not always, if ever, prepared to live with. It almost reminds me of certain people in the engineering community who would have us believe that in the areas of nuclear energy Joe Q. Public shouldn't be told because Joe Q. Public couldn't be expected to understand.

Certainly in terms of patients' rights there has to be a clear understanding that the average consumer or the average patient is clearly able to understand information imparted to him or her by the professional or allied health-care worker. I believe the rights must exist in law if they are to mean anything, because if they are not in law, they are,



it seems to me, essentially unenforceable. The old Tory conservative social ethic that noblesse oblige will obtain and that I, the professional, will determine what I will tell you and what you can understand is clearly not relative in the liberal democracy of the late 1970s.

[5:15]

**Mr. Breagh:** What kind of a democracy?

**Mr. Handleman:** Small "I".

**Mr. Breagh:** There are no longer any Liberals left.

**Hon. Mr. Baetz:** We won't argue about that. There is no philosophy.

**Mr. Conway:** The member for Ottawa West would be counselled to be careful when talking about liberalism, because not so long ago he trod ever so perilously close to the line of invitation. I would not wish to remind him of his past sins of commission and omission in that connection.

**Hon. Mr. Baetz:** I saw the light.

**Mr. Bolan:** The lights went out on him when he was appointed Minister of Energy.

**Mr. Conway:** Finally, it has to be said that, once codified, these patients' rights have to be understood in the context of a good working relationship between the patient and the professional—a working relationship that gets away from the historic paternalism that has in many cases unfairly and unhappily shut the door to the freedom of information which in our view should obtain, on the one hand, and a relationship which, on the other hand, respects the professional's ability to make certain judgements that are important for that person to make in the connection of the particular patient's operation or whatever.

I don't in any way minimize the difficulties in certain of those areas. The question of consent and the question of how far the rights should carry forward are ones about which I have a considerable degree of personal concern. I have a feeling, that the member for Carleton would probably share, that there would be a grey area there that would remain unsolved and unresolved for some time.

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. Conway:** Finally, I want to say, in supporting the honourable member's resolution, that it is surely, if lately, one small step in the right direction.

**Mr. Deputy Speaker:** The member for Oshawa.

**Mr. Breagh:** Thank you, Mr. Speaker.

**Mr. J. Johnson:** This will be negative.

**Mr. Breagh:** It can be if you so desire. I rise to support the resolution. I don't want to surprise anybody or cause heart failure across the way. If that happens, it might be considered of benefit in some quarters. I think this is a supportable resolution. It's insipid enough that almost anybody could support it. It missed out on the apple-pie part, but I'm sure somewhere there will be something added to this end which will include motherhood and apple pie.

**Mr. Conway:** And almost anybody has.

**Mr. Breagh:** It is oddly enough clearly indicative of what is wrong with this government. When the member turns to look at something like patients' rights and puts forward a resolution in this House purporting to ensure that there are such things as patients' rights—and I would contend that there aren't any just now—he sends the bill to everybody except patients. He asks views from the medical profession itself, the various subsidiaries in the Health Disciplines Act and the Ontario Hospital Association. The only people he forgot to ask were patients.

That strikes me precisely as what's wrong with this government in a number of areas. When we talk about a health-care system in Ontario, this government consults with those who dispense the service, it consults with those who administer the service, but it never wants to talk to anybody who uses the service or, a little more importantly, pays for the service. I think that's a fundamental flaw in this government.

I support the concept of a patients' bill of rights. It was introduced in this House, I believe, first and foremost by the member for Parkdale (Mr. Duksza). He has done that on a number of occasions.

**Mr. Conway:** He was a great Health critic. Bring him back.

**Mr. Breagh:** I believe the last occasion was when he put forward a private member's bill in 1977. I want to point out to the members of this House that on the day when that principle was debated in this House the members on the government side rose to block the vote. That's how much they cared about patients' rights on that day. They rose to block the vote. They weren't prepared to let it proceed for further debate. Although some of them were generally supportive in discussing the principle of the bill, they were afraid to let that private member's bill proceed.

Today we have a resolution from a government member, a private member to be sure, which suddenly pays recognition to it. I think that is due in no small



measure to the fact that more and more people in our society are becoming aware that patients don't have rights. We now see newspaper columnists documenting individual cases of patients who were not treated properly. We see weekend magazine sections in the newspapers doing full-length articles on that same topic.

As I read through the Hansards in preparing for my comments today, I saw that almost everyone who spoke on previous occasions, in committee or in the debate on the private members' bill by the member for Parkdale, offered individual cases documenting that clearly there are instances we all know about and we now all agree were infringements on patients' rights.

So the level of awareness is getting up there a little bit. I am not so sure it has sunk in very far on the government side of this House but at least they recognize it now. There are organizations—the Ontario Patients' Rights Association has already been mentioned—that are very active in discussing the issue and pointing out on a case-by-case basis there's a need to change things.

The problem I have with the resolution is that it's a bill of rights that won't exist. I am not saying that anyone in the medical profession or anyone in the Ontario Hospital Association is not a good and caring person, or that they wouldn't have a proper perspective on this. But I am saying they could do that very nicely had that private member's bill gone through a committee for hearings. They would have had ample opportunity to provide their input to the bill. What's more important, other people would have as well—other organizations who were interested, other individuals who might have some pertinent information that members should hear would be there. What's more important, at the end of that gathering of a consensus and gathering of information, this Legislature would be expected to face up to its responsibilities.

I heard earlier this afternoon the Minister of Consumer and Commercial Relations take on General Motors over deceiving people. There might be those in here who expect always a corporation to act in the best interests of the public. I am one who doesn't expect that, nor do I expect any other special-interest group, no matter who they might be, always to consider the world at large as opposed to their individual membership. I think I am realistic enough to understand that doesn't happen.

Whether we might agree or disagree on whether the medical association in Ontario, or all the branches of that, are good human

beings—I think by and large they are—this is not to say we should send off a bill of rights for patients—or a code of practice or whatever you want to call it—to them to decide what should be done or to the hospital association. More and more as I see this government's restraint program at work on people who provide medical care in the province or who administer the hospitals in Ontario, I think they are going to have less and less time to consider things like the rights of the patient.

I don't think it's getting much prominence in their considerations these days. As I see that financial squeeze get more and more vicious on hospitals and people who provide medical care, I think they are going to have less and less time to think about the rights of the patient.

Some people could be silly and say I am expecting a patient to be able to provide a professional opinion. This is not so at all. I, for one, am prepared to listen to the other side. I am prepared to listen to the compromises that might have to be made. But I am not prepared to yield on the point that people who pay for the health-care system have a right to know what goes on in it. I don't recognize that they do now, that they even have access to information. I am prepared to recognize that there's a need for confidentiality of medical records but surely not from the patient himself or herself. Surely that human being has a right to know what happens with him. I am not suggesting for a minute that doctors and hospitals can give very nifty two-sentence explanations about very complicated medical procedures. But I am saying they surely ought to be skilled enough to provide the patient with a clear understanding of what's happening to him.

Somebody will probably suggest that you can't do that to somebody who is unconscious. But surely you can do that to a conscious relative who is standing by, and surely you can explain to people what you are doing to them, without question. Whether they fully understand all the medical jargon used, or the significance of the long-term effects of X-ray, are questions I am prepared to deal with quite separately. What I am prepared to say, and stand by pretty firmly, is the simple notion that there ought to be an obligation on the doctor, nurse or whoever the medical practitioner is, to explain what they are going to do before they do it.

I don't think that is too much to ask. Clearly, there is a legal right on the part of patients to understand the process, to



know what has happened and in almost every case, to know what is written down about them in a medical file.

In this same Legislature, we saw the ridiculous situation barely two years ago, of a group of people who weren't even prepared to let those things be discussed by the members. These same people now are supporting putting forward a resolution which in some sense is supposed to rectify that situation. I contend that it won't accomplish that goal at all. If there is value in supporting this resolution, it is simply to accept a very small crumb and hopefully to allow some mechanism which will continue the discussion about patients' rights. I do not see this resolution as accomplishing much more than that.

It has given us an opportunity this afternoon to discuss it again. I am not terribly convinced we really needed another opportunity to discuss the matter of patients' rights in such general terms. I think we are long overdue for something far more specific than that. I am not happy that the resolution doesn't call for some legal protection for patients, and if you read the resolution carefully it works its way around that rather nicely. That may or may not be a good thing to do.

The point that I think is pertinent is that the resolution is supportable. Surely this House, at least in this kind of very general terms, ought to be able to express a patient's basic human right. Because you are sick, you don't lose all the human rights you supposedly have in a free society; the right to know, the right to have access to your medical records, the right to understand clearly what a medical practitioner is proposing to do to your body and the ramifications of that, as much as you can. Surely we ought to be prepared to do that.

My sadness comes from the fact that this resolution will not do much more than that. There will be no obligation for the Ontario Hospital Association or those people covered under the Health Disciplines Act to carry forward any of these things, because once again the government is expecting somebody else to do what it ought to do. I support the resolution in extremely general terms and I feel saddened that this is the best the government can do after looking at that private member's bill for two years.

**Mr. Leluk:** Mr. Speaker, I am pleased to take part in this debate and to speak in support of the resolution proposed by my friend and colleague for Carleton.

I believe the question of patients' rights is a very important one. When people enter

hospital today, too often they are not aware of the privileges they already have and enjoy. Although I agree with the principle of the resolution, I do have some reservations about the resolution as it now stands.

My concern is whether it is really necessary to codify into legislation, rights that to a large extent already exist. I have looked at a manual prepared by the Ontario Patients' Rights Association which lists the fundamental privileges patients currently enjoy. Patients do have the legal right to medical care in an emergency. They have the legal right to control their own bodies; that is, the right to accept or refuse medical advice or treatment.

For example, if a patient wishes to leave a hospital at any time he can do so. Mind you, he may be asked to sign a document releasing that hospital from liability. A patient may refuse any treatment or procedure. However, if this refusal is against his physicians's advice, he may be assumed to have little confidence in his ability and may be asked to seek the services of another physician.

[5:30]

I could go on. There are many other rights, such as the right of voluntary informed consent. An operation or a medical procedure may not be performed on a patient without his or her consent, except in an emergency. This has been alluded to by several speakers this afternoon. In order for consent to be valid, there are some three conditions that must be fulfilled: consent must be given in a free and voluntary manner; the patient must understand the general nature of the treatment, and the consent given is specific to a particular operation or medical procedure.

Patients also enjoy the fundamental right to confidentiality. Medical information is considered to be property of the patient and the attending physician has a duty of secrecy. The patient also has the right to determine whether or not he or she wishes to be used for research or teaching purposes. In experimental treatments, physicians must give the patient a reasonable explanation of the probable effect of treatment and unusual risks before he or she makes a decision.

As you no doubt can see, Mr. Speaker, patients do currently have and enjoy certain basic privileges. I believe the question that really should be asked is: Are they aware of the privileges they do have? A major problem, as I see it, is there seems generally to be a lack of knowledge of existing patient privileges today. Communication between hospital staff and patients is very important.

An example of communication between the hospital and its patients is the explanation of



privileges outlined by the Royal Ottawa Hospital.

**Mr. McClellan:** I thought we were talking about rights, not privileges.

**Mr. Leluk:** Rights then.

The Royal Ottawa Hospital has stated that as part of the policy of that hospital it wishes to express its concern for the individual rights of its patients and furnish to the patient who may be uninformed of his or her rights a summary of those rights that hospitals for many years have recognized as belonging to the patient. The preamble of the information supplied to the patient goes on to state the outline, although not intended to be a legal summary, assures patients their privileges as outlined by the hospital represent the policy of that hospital and will be respected.

Another of my concerns is simply what might happen if each of the five health disciplines and the Ontario Hospital Association were to develop and adopt their own code of patients' rights. We could end up with six different and perhaps unique sets of patients' rights. Inasmuch as each of the health disciplines offers different treatments, and the health workers such as the chiropractors, physiologists and physiotherapists provide services which are quite different, hopefully the quality of these services will not differ.

The question then becomes: Will there be any inconsistency then, between these various bills of rights? Without the benefit of a central, co-ordinated effort to arrive at a uniform code, taking into consideration services rendered by each discipline, it is possible to foresee that certain complaints will arise out of confusion on the part of patients expecting one thing and perhaps not having those expectations met.

Another question that needs to be asked is: How far do we go in the area of regulating and legislating in the health field? If we adopt all of these codes of patients' rights, will we then 10 years from now claim there is too much government interference? We may not, but it is a possibility.

I believe improvement of the relationship between patients and health workers must be actively pursued. A mechanism must be developed whereby communication between health workers and patients can be improved upon, hopefully within the existing framework. From the information I have received, it appears that one of the major considerations must be to educate the public with regard to their privileges as patients.

**Mr. McClellan:** Rights.

**Mr. Leluk:** I would hope more hospitals in this province would pursue a method

similar to that of the Royal Ottawa Hospital of informing patients of their rights.

Again I do have some hesitation about legislating existing privileges. I am not too sure whether patients will be better off than they are now.

**Mr. McClellan:** Is this a bill of privileges? There is a difference.

**Mr. Leluk:** What I really mean is rights, if that makes the member across the way feel any better.

**Mr. McClellan:** You should be consistent.

**Mr. Leluk:** Right; as you are, constantly—inconsistent.

**Mr. Handleman:** Consistently inconsistent.

**Mr. Leluk:** That's right. My colleague says "consistently inconsistent."

Perhaps, as I said earlier, a program of communication and education for the people of this province informing them of the rights they already enjoy might serve the same purpose as legislating these rights.

In closing, I wish to commend my friend and colleague from Carleton for putting forth this resolution. I believe that it is an important issue and one that bears the consideration and support of this House.

**Mr. B. Newman:** I rise to support the resolution of the member for Carleton and commend him for introducing it, the more so because he happens to be a government member. As a government member, I would think he would have the ears of his own colleagues and, as a result, we could at least get a little quicker action than we would get were it one of the opposition members who introduced or talked on the motion.

**Mr. McClellan:** You are always interested in window dressing.

**Mr. B. Newman:** It may be window dressing, but sometimes dressing a window is the right thing to do and maybe this is in that same area. I know we are talking about a motherhood issue when we talk about the resolution, but what is wrong with motherhood? There's nothing wrong with that. If it takes motherhood to have action on the part of the government, so be it.

I simply regret that we are talking solely about the Health Disciplines Act. There are other areas in which the patients' or the individuals' bill of rights should also be implemented.

I look back and see what has happened in the state of Michigan. For years there has been a clamour for a patients' bill of rights in relation to nursing homes. In all of the years it finally took, this year, 1979,



a nursing home bill of rights actually came into effect.

There was likewise in the state of Michigan this same type of discussion. Everyone said there should be a bill of rights but no one seemed to take the initiative to have a bill of rights established. For example, that bill of rights for nursing homes is designed to ensure that elderly persons get proper care and that has taken effect only within the last two months. The bill was approved by the Legislature one year ago, but there is a certain stipulation in their legislation that it automatically comes into effect within a given period of time after it has received approval of the two Houses.

Their legislation tightens state regulations to avoid fraud. Notice there's a different aspect; it's not the health aspect this time, there are other aspects to a patients' bill of rights—kickbacks, misleading advertising. The top legislative goal of senior citizens' groups during that particular session when the bill of rights was eventually implemented spelled out the rights of about 45,000 elderly patients in 450 nursing homes. It attempts to curb abuse and neglect and makes violators liable for a fine of \$10,000 and a jail term of up to one year. So the honourable members can see the concern that they had in the state of Michigan and I would assume that that same type of concern would be prevalent in the province of Ontario.

That law has come into effect now. Nursing home patients under this new law may refuse unwanted treatment and have the right to reasonable privacy and to receive and send uncensored mail. One can see the extent to which that state looked into a bill of rights by going actually beyond the health aspect of the individual. Yet the ability or the opportunity to have mail not censored, I would think, would have some therapeutic value as far as the patient would be concerned.

We have a smokers' bill of rights now. Why shouldn't we have a patients' bill of rights? It wouldn't matter to me if we had a patients' bill of rights for nursing homes, for lodging homes and for rest homes because conditions may vary. There are certain general rules that we would require for each of those institutions, but we could have an individual bill of rights for each, if necessary.

It is more important now due to the fact that a lot of individuals have been released from psychiatric hospitals or hospitals in which mentally retarded were originally placed and sent back into the community. When they get back into the community, they may be taken advantage of by operators of homes that may not be in the best physical shape

and which may not have trained staff to accommodate these poor unfortunates who are sent back into the community. As a result, they may be housed in any number in a given room, depending on the size of the room. That individual has no choice as to where he is going to go.

In some instances, there is a body in the community that will attempt to direct the individual to a given lodging home, rest home and/or nursing home. Generally, it is a lodging home or a rest home. There seems to be no uniformity at all. For example, I read an article that refers to rest homes. Whether this is true or not, I can't actually say.

On December 4, 1978, an article appeared in the Windsor paper concerning the request by the United Way Social Planning Council for a bill of rights to protect rest-home patients from being exploited by homeowners. The article commented that there are no government inspectors and no standards that rest homes must follow. Surely we shouldn't be taking the unfortunate and putting them in a situation like that, where there are no standards for them. The higher the standard, generally the higher and the better the health care.

People placed in homes for the aged are even locked in at times as the staff may have difficulty controlling them. Because of this, I think there is the need for some type of codifying so that when a person is placed in the institutions or in the nursing home or in the rest home either he, if he is capable of understanding, or his friends and/or relatives may know exactly what rights that individual does have.

[5:45]

There is the problem of confidentiality, but I think the patient should have the right to view his records. I happen to have worked on a problem for a constituent in which one relative of the family was placed in a government facility. The family insists that that patient's records have some inaccuracies. The decision as to whether that person should be transferred from one institution to another, they claim, is based on inaccuracies, yet they, the family, don't have the opportunity to view the records to see if there are the inaccuracies and correct them. As a result, that patient could be transferred to a different institution, an institution in which recovery would be much greater, much better, and the individual possibly could be released back into society.

I heartily support the resolution by the member for Carleton. I hope any other speaker who comments on it does so also.



I hope the government does not just sit on this but actually implements it by introducing some other legislation of its own so that a standard bill of rights for all types of patients in government institutions will be a fact of life.

**Mr. McClellan:** The previous speaker issued a challenge to us, I suppose, when he said, "Who in this House is opposed to motherhood?" I didn't hear anybody take him on on that. But I'll say clearly and unequivocally that I too support motherhood and I intend to vote for the resolution.

**Mr. Handleman:** I was just starting to wonder, that's all.

**Mr. Breaugh:** We can think of a case where motherhood produced a poor result.

**Mr. Conway:** I hear the Minister of Community and Social Services (Mr. Norton) made off with the whooping crane resolution.

**Mr. McClellan:** The resolution is vague in the extreme and I was concerned when I heard the member for York West talking about privileges and rights without making any distinction or differentiation. He doesn't seem to understand they are two separate things. A right is something that belongs to the individual and a privilege is something that's bestowed by somebody in a relationship of authority over that individual. I wish members on the government side some day could come to an understanding of the difference between rights and privileges. They clearly don't have any understanding today, in this area or other areas.

**Hon. Mr. Norton:** I think we have a clearer understanding of the distinction.

**Mr. McClellan:** I think, perhaps, the author of the resolution does understand he's talking about rights.

**Mr. Conway:** Reuben used to understand that before he pulled out.

**Mr. McClellan:** It's easy to write a resolution asking the government to implement rights but it's much more difficult to define.

**Mr. Speaker:** The member's time has expired.

**Mr. McClellan:** I simply want to say I hope the government will do just that.

**Mr. Handleman:** Mr. Speaker, quite frankly, I could have listened to the member for Bellwoods support motherhood for the rest of the evening but I think we all want to go home.

I was very pleased to hear the member for Renfrew North mention Mrs. Coy because the germ of the idea for this resolution, notwithstanding some of the comments op-

posite, did not arise out of the member for Parkdale's previous private bill.

**Mr. Conway:** I bet it didn't come from the member for York Mills (Miss Stephenson) either.

**Mr. Handleman:** It came as the result of a television program I appeared on with Mrs. Coy and the former Ombudsman. It was in a previous incarnation, when we were talking about various rights in the field of consumerism.

I also wanted to set to rest some of the concerns expressed by members opposite about the very bad approach to this problem by members of the professions.

**Mr. Speaker:** Will the honourable members keep their private conversations down? Your colleague has the floor.

**Mr. Handleman:** Thank you very much, Mr. Speaker.

The actual resolution came directly as the result of a doctor in my riding calling me to say that it was long overdue. I agreed with him; I agree with him entirely.

I would like to make it clear that simply because a resolution comes from a member on this side of the House it does not necessarily mean it's government policy. I know there has been this great tendency, particularly in the benches opposite me now, to introduce party legislation under the guise of private member's bills. This is not government legislation.

**Mr. McClellan:** That's not legislation at all.

**Mr. Handleman:** This is a private member's resolution. I hope the government will adopt it. I sincerely expect they will, having read the comments in Hansard of all the members. That is the purpose of the private members' hour. It's to draw to the attention of the government deficiencies in legislation so that the government can correct them. This is not an alternative government; it was never designed to be that.

I certainly hope the Minister of Health and his colleagues in government will read Hansard and decide what to do with this resolution after considering the points of view which have been expressed. I am appreciative of the unanimous consent which is apparently going to be given to it. I also understand some of the reservations. I have some myself.

I have looked at some of the rights granted, for example, by the Royal Ottawa Hospital which I mentioned as being a great hospital. One of the rights granted to patients in the Royal Ottawa is to refuse consent for anyone to be present who is not directly involved in the care of the patient.



The Royal Ottawa happens to be a teaching hospital. This could create great problems for the students if the patients decided to exercise that right, obviously. That is why I feel these rights have to be carefully defined, supported by legislation, and I think my resolution comes down the middle between those who would have the government do everything and those who would have the government do nothing.

That is the road I would like to follow in this period, similar to the 1970s liberalism my friend from Renfrew North talked about. I remind him that is a small "I" because there aren't any large-L Liberal governments anywhere, but we support the concept of liberalism in that sense.

I hope the government will pay heed to this resolution which appears to be on its way to earning unanimous support.

**Mr. Speaker:** Does any other member have anything to say in one minute?

**Mr. Conway:** Let's hear from the Minister of Education (Miss Stephenson).

**Mr. McClellan:** I think it is unfortunate that the member—

**Mr. Speaker:** The honourable member has already spoken.

**Ms. Gigantes:** But only for a minute and a half, Mr. Speaker.

**Mr. Conway:** I want to hear from the Minister of Education, the last of the great democrats.

#### EMPLOYMENT STANDARDS AMENDMENT ACT

The following members having objected by rising, a vote was not taken on Bill 98:

Baetz, Birch, Cureatz, Drea, Elgie, Gregory, Handleman, Hennessy, Hodgson, Johnson J., Lane, Leluk, Maeck, McCaffrey, McCague, McNeil, Norton, Ramsay, Rotenberg, Rowe, Scrivener, Stephenson, Sterling, Walker, Watson, Welch, Wiseman—27.

#### PATIENTS' BILL OF RIGHTS

**Mr. Speaker:** Mr. Handleman has moved resolution 19.

Resolution concurred in.

The House recessed at 6 p.m.



## APPENDIX

(See page 2657)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## SCHOOL BOARD STATISTICS

181. **Mr. Bounsall:** Will the Ministry of Education table for each school board in Ontario for 1977, 1978, 1979, using interim and estimate figures where necessary: 1. the average daily enrolment; 2. per pupil grant ceiling; 3. per pupil expenditures; 4. total expenditure; 5. total local taxation; 6. total provincial assistance; 7. rate of grant on recognized ordinary expenditures; 8. provincial contribution as a percentage of the total local school board expenditures; 9. rate of grant for French-language instruction; 10. decline or increase in number of students from previous year; 11. decline or increase in number of full time equivalent teachers from previous year; 12. number of self-contained special education classes; 13. number of full-time equivalent teachers of special education classes; 14. number of heritage language classes; 15. number of students studying heritage languages; 16. number of pupils whose first language is neither English nor French; 17. number of self-contained classes for pupils whose first language is neither English nor French; 18. number of full-time equivalent teachers of classes for pupils whose first language is neither English nor French? [Tabled May 15, 1979. Interim answer May 28, 1979.]

See sessional paper 101.

## CUSTODY OF PAQUETTE CHILDREN

193. **Mr. McClellan:** What were the reasons which led family court Judge Goulard to order, in December 1978, the return of the four surviving Paquette children to the custody of their parents? What, if any, was the role of the official guardian in that proceeding? What is the basis of the official guardian's stated opinion that the Paquette children should return to their parents' custody? Why has it taken seven months to schedule the appeal by the Ottawa Children's Aid Society against the decision of Judge Goulard? [Tabled May 23, 1979.]

**Hon. Mr. McMurtry:** The appeal by the Ottawa Children's Aid Society against the decision of Judge Goulard is pending before the courts. It would not therefore be appropriate for the Attorney General to comment on the case at this time. However, the judge's

reasons for judgement are a matter of public record and a copy is attached.

Before: His Honour Judge G. Y. Goulard.

Present: Louise and Royal Paquette; Mr. John Smith, counsel for CAS; Mr. Murphy, official guardian; Mr. Bayne, counsel for Mr. and Mrs. Paquette; R. Hilchie, court monitor.

Date of Decision: the 11th day of December, 1978.

**The court:** This is in the matter of an application by the Children's Aid Society for crown wardship for Sylvin, Andre, Silvie and Joanne Paquette. The trial began on June 15 of this year and has been adjourned a number of times for evidence. There were some 10 days of evidence with, I believe, 26 witnesses called. I have also received and read a report by Dr. Cote, who was not called but who supplied us with a written report and also I have spoken to the four children in chambers. The four children were apprehended on a non-ward basis originally as a result of the father not being able to care because of his work and stress caused by the events of the few prior months. The mother, Mrs. Paquette, was in reformatory as a result of a 21-month—I believe a 21-month sentence for her actions causing the death of her daughter, Adrienne, on July 5, 1977.

Mr. Bayne, in his summation, summarized very well the evidence of all important witnesses and I do not intend to summarize that evidence or go through that evidence again today. Mr. Murphy indicated that he is representing the children and indicated that their desire is to be returned to their family to live with their parents as a family unit.

In his summation Mr. Smith argued that crown wardship was necessary because the mother was not able to cope with the children or to properly learn to do so; secondly, that Mr. Paquette was not able to deal adequately with the situation or to control Mrs. Paquette's behaviour; thirdly, because of the special needs of the children in that they have been emotionally deprived, that they are intellectually handicapped, that they are unrewarding children and he argued that they see their mother as the punitive figure and the father as a distant psychological figure and that they will continue to need therapy for a lengthy period of time.

There is no doubt that this is an extremely exceptional case. A child has died in a very tragic and shocking manner as a result of



the mother's highly excessive form of disciplining and, more important, after a long history of known occurrences and other suspected occurrences of child abuse, and I have gathered from the evidence that there were also some later occurrences of child abuse that should have been known. The fact that this happened to one child raises serious questions of the physical danger for the other four children and whether they should be permitted to remain with their mother.

The second issue that is raised is that of the emotional deprivation past and possible future if they are returned. There is no doubt that there has been some such deprivation in the past. Both parents simply did not have sufficient ability and knowledge to provide their children with all the stimulants for the ideal emotional growth and development. If the children are to be returned—I'm sorry—they the children will require special assistance to foster emotional growth and adjustment in the future taking into consideration their limitation and the traumatism they have suffered in the past year and a half.

The question is, therefore, what decision now appears to offer an environment that will secure and provide what appears to be in the given total circumstances in the best interest of these four young children. They have suffered greatly. They have lost a loved sister in very difficult circumstances that they do not fully comprehend. They have been separated from their parents and from some of their siblings for many months. They feel somehow punished. One of the children indicated to me that she was not to be blamed for the death of Adrienne, indicating that she still feels that possibly she might be blamed for what has happened. Also, Dr. Gagnon and Dr. Smith testified to the effect that the children possibly feel that they are punished for what has happened.

Dr. Smith further testified that in his opinion the family setting was the better alternative because, firstly, if the children are not returned they will more than likely be separated from one another and the feeling of punishment will continue and they will never resolve that problem. Secondly, he indicated that there is much love and affection in the family between the parents and the children and between the children themselves.

Dr. Gagnon expressed the opinion that all the conflict that the children have known as a result of Adrienne's death and their subsequent placement should be dealt with in a setting of reality that is with the family re-

united as a unit. He felt that there was a high degree of affection needed by the children and that the parents could provide this affection in a manner that no one else could do. He felt that there is enough good intention and good will to care for the children with proper assistance and supervision.

A number of witnesses were called on behalf of the children's aid society and they described the very special needs and problems of the four children and the two parents and concluded that the parents because of their own problems and limitations could not adequately meet the special needs of these four children. There is no difficulty in making a finding that the children are in need of protection. Their parents cannot, without assistance, adequately provide for their emotional growth. The issue then is whether they should be made temporary wards, crown wards or placed with the family or someone else subject to supervision by the children's aid society.

The possibility of temporary wardship is rejected and has not been recommended by either counsel in that if the children are not now returned then permanent plans should be made for adoption or long-term placement. To decide that they should become crown wards is to decide that there is no alternative way of assuring an adequate environment for their future.

Dealing firstly with the question of physical danger, I'm satisfied that the children will not be in physical danger if returned to the parents. As subscribed to Dr. Gagnon and Dr. Smith's explanation that it was a combination of Adrienne's very severe emotional problems and behaviour combined with Mrs. Paquette's limitation and inability to cope with these problems that led to her tragic death, the four other children have not been abused in any manner that would raise a fear of any future maltreatment. I subscribe to the view that Adrienne was not a scapegoat but it was, as I said, "a combination of her problems with Mrs. Paquette's limitations that caused the death."

The question is whether the children's emotional needs will be better met by placement with their parents rather than a continued placement with the children's aid society for a continuation of the assessment with a placement or placements resulting from the assessment finding and recommendation. I am satisfied that their problems and needs are different. It is almost assured that because of this they would end up in different placements and they would then continue to feel and believe that they are



somehow being punished for something for which they should not carry any blame.

There is a family unit here that still exists. The father and mother are now back together. They want the children back and the children indicated directly to me and through Mr. Murphy that their desire is to be reunited. It is not an ideal family—far from, but it is a strong one with much love, affection, good will, and a very strong desire to build a good future for all its members. They want to do so, all of them, to the extent of their present ability to understand. Our society, not the children's aid society as such but our society as a human body or a human society, has failed to adequately help this family in the past. We have now the possibility of a new chance and we must accept and deal with it. I, therefore, find that the four children are in need of protection and order that they be returned to their parents subject to supervision by the children's aid society for the maximum time that I can order at this time, which is 12 months.

I realize that the children will have to be prepared for the return and that this might not be done and probably should not be done overnight, but they should be returned as soon as possible. I would think that a couple of weeks should allow the children's aid society to prepare a return. The extent of the children's aid society's involvement in providing supervision has been discussed by certain of the witnesses and by Mr. Smith and Mr. Bayne in their summation. I do not believe that it is the court's function to specify any of these terms. That is a matter for the qualified workers of the children's aid society. They have to determine their involvement and it is for their responsible officers to assure the fulfilment of this necessary involvement. This is their responsibility and their challenge.

Mr. and Mrs. Paquette, and I will translate this in a few minutes, you are getting your children back. You will need help. It will be offered to you. Accept it. Co-operate with the workers. If at any time you feel it is not enough, if either of you feel that you need more help or that something is not going properly, ask for this help. If it is not provided after you have requested, call the director of the children's aid society or call, I'm sure, any of the lawyers here today—your own lawyer or Mr. Murphy or even Mr. Smith acting for the children's aid society—or call the court. Call myself and I will surely get involved again.

These are young children; they have been given to you. There has been a tragedy in

the past. I believe that now with the necessary assistance you can provide a good future for the children. It will be difficult. You will have to work hard but that's your duty.

His Honour Judge G. Y. Goulard repeated his address to the parents in French.

I wish to thank Mr. Bayne, Mr. Smith and Mr. Murphy for their patience and their very hard work in preparing this case. It has been a pleasure working with the three of you.

**All counsel:** Thank you very much, Your Honour.

**The court:** And have a good Christmas all of you.

Certified to be a true transcript of the evidence recorded at this hearing.

Rosemary Hilchie, Court Monitor.

### HYDRO TRANSMISSION LINES

**196. Mr. Stong:** In line with the recent assurance of the Minister of the Environment in letters to the towns of Richmond Hill and Markham, wherein the minister guaranteed that all further Hydro projects in those areas will receive "the full treatment" provided by the Environmental Assessment Act, would the minister now cause to be conducted an environmental assessment hearing into that part of the 550-kv Nanticoke to Pickering transmission line which is planned for installation east of highway 48: (a) in an area not yet approved by cabinet; (b) in an area the land of which has not yet been completely surveyed for the new line, much less acquired; (c) in an area where no hearings have been held to allow input from the people and where the people were deprived by virtue of the decision in the Chadwill Coal case, from giving evidence to hearing officers who conducted an inquiry into the parkway belt west and thus in fact held sham hearings? [Tabled May 24, 1979.]

**Hon. Mr. Parrott:** Mr. Stong's question states that I had "guaranteed that all further Hydro projects in those areas will receive 'the full treatment' provided by the Environmental Assessment Act." The full sentence in letters which I have forwarded to the towns of Richmond Hill and Markham from which the idea was extracted is, "I would like to assure you that future Ontario Hydro undertakings will receive the full treatment under the Environmental Assessment Act." I chose the term "future Ontario Hydro undertakings" to mean those undertakings which presently are not exempted from the requirements of the Environmental Assessment Act.



As the honourable member is aware from my recent correspondence with him, the 500-kv transmission line between the Parkway TS and the Cherrywood TS, part of which is located east of highway 48, is associated with the parkway belt, although the east part is not within the parkway belt west planning area itself. Also, the line was considered by the Solandt commission and its planning was well under way before the Environmental Assessment Act, 1975, came into force. These were the reasons why my predecessors issued exemption order OH-11 and they are as valid now as they were then.

By order in council 1466/78, May 17, 1978, Ontario Hydro was authorized to acquire land, design and construct facilities east of highway 48. With respect to the statement, "... in an area the land of which has not been completely surveyed for the new line, much less acquired . . ." it is my understanding that Ontario Hydro completed an engineering survey in October 1978 and further that a legal survey was completed in January 1979. As far as property acquisition, I understand from the Ministry of Government Services that with the exception of a very few—less than 10—properties, the land has either been acquired or is in an advanced stage of negotiation for settlement. However, as you are aware, if any landowner requests, there will be an expropriation inquiry.

#### X-RAY EQUIPMENT OPERATORS

**198. Mr. Cassidy:** Would the Ministry of Health advise how many persons are employed as operators of X-ray equipment in public hospitals in Ontario? Of these, how many are registered radiological technicians under the Radiological Technicians Act? [Tabled May 24, 1979.]

**Hon. Mr. Timbrell:** Our answer to the above question reads as follows: As of March 31, 1978, 1,712 persons were employed in public hospitals as X-ray operators. Of these, 1,636 were registered.

**199. Mr. Cassidy:** How many persons are employed as operators of X-ray equipment in chest clinics operated under the Ministry of Health? Of these, how many are regis-

tered radiological technicians under the Radiological Technicians Act? [Tabled May 24, 1979.]

**Hon. Mr. Timbrell:** Our answer to the above question reads as follows:

The Ministry of Health employs 27 full-time and six part-time persons in the chest clinics. Of these, nine are registered. Discussions are under way with the OSRT to find a method of upgrading the unregistered employees to enable them to become members of the OSRT.

The Ministry of Labour has also informed me that the industrial chest disease service sends mobile clinics to various industries to provide chest X-rays and pulmonary function tests. Pre-employment screening for particular exposures is given, to determine susceptibility to diseases inherent in the job. Nine full-time X-ray machine operators are currently employed by the service. Two of the nine are registered radiological technicians. The Ministry of Labour has also indicated that six have been trained in-house for special chest work and there is one vacancy. It is the Ministry of Labour's intention to hire a registered radiological technician for this vacant position.

#### DETENTION CENTRES

**202. Mr. Cooke:** Would the Minister of Correctional Services please table the following: (i) the number of inmates that remained in Windsor, London, Hamilton, Ottawa and Toronto East detention centres for more than two weeks since January 1977; (ii) the length of time each of the inmates did remain in the above-mentioned centres, exceeding two weeks? [Tabled May 28, 1979.]

**Hon. Mr. Walker:** The attached table displays the number of inmates who remained in each of the detention centres for more than two weeks. The table shows a breakdown by sentenced and remanded individuals for three time periods (16 to 30 days, 31 to 90 days and more than 91 days). Because the Hamilton and London detention centres were opened during the period, the figures presented represent the sum of the detention centre and the jail which it replaced.



		16-30	31-90	91+	Total	Average stay	Average stay over 15 days
Hamilton Jail and DC	Sentenced	908	812	201	1921	48.29	33.29
	Remand	471	396	235	1102	70.27	55.27
Windsor Jail	Sentenced	342	350	104	796	54.99	39.99
	Remand	161	157	165	483	97.18	82.18
London Jail and DC	Sentenced	886	754	154	1794	46.30	31.30
	Remand	243	230	171	644	85.18	70.18
Ottawa DC	Sentenced	834	567	243	1644	53.77	38.77
	Remand	202	292	248	742	100.61	85.61
Toronto East DC	Sentenced	933	784	307	2024	57.78	42.78
	Remand	308	324	175	807	69.97	54.97



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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, June 7, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

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THURSDAY, JUNE 7, 1979

The House resumed at 8 p.m.

House in committee of the whole.

### LINE FENCES ACT

Consideration of Bill 17, An Act to revise the Line Fences Act.

**Mr. Rotenberg:** Mr. Chairman, you will recall that when we gave second reading to this bill, I did not make any concluding comments as the parliamentary assistant because we reached 10:30. It was indicated then that I might make some brief comments at the start of the committee stage in order to reply to some of the questions that were raised by the members rather than delay second reading two weeks ago tonight.

With your permission, Mr. Chairman, if I may, I would take a few moments to comment on some of the points that were raised by members opposite. I would indicate that I would reserve discussion on the particular sections, where I know amendments will be made, until such time as we reach those sections. I would like to thank all the members opposite who indicated support for the bill and gave unanimous consent to second reading.

I would like to comment briefly on some of these points that were raised. First, the member for Welland-Thorold raised a number of points. He complained of the fact that it took the government so long to bring this matter forward and to have the matter come for second reading. He noted that we had three versions of the bill before we got to the final one.

Quite frankly, this surprised me a little bit because it is that party probably more than others which is always saying there should be full and complete public discussions. The whole point is that we put out a bill and sent it for public discussion to all organizations and all interested parties—in particular, the Rural Ontario Municipal Association, the Ontario Federation of Agriculture and the municipalities of the province.

**Mr. Lawlor:** I knew you would start off graciously, but end up acrimonious. Why don't you start the way you feel?

**Mr. Rotenberg:** And we did that. I would like to point out to the honourable member for Welland-Thorold (Mr. Swart) that the process was simply one of trying to resolve all the problems that came from various organizations and municipalities without moving in haste, because too often if you move in haste and take the first version of the bill, you regret at leisure. On this side, we would rather progress conservatively. I think we have taken into account all the requests of the various organizations and municipalities. We have not solved all the problems or acceded to all the requests of the various parties concerned, but I think the bill now before you satisfies the major concerns of all the parties.

I recently met with people from ROMA and from the OFA, and while they still have some lingering doubts about a couple of minor things, they have indicated to me that they are reasonably satisfied with the bill as presented. I don't think anyone expects 100 per cent of the requests to go forward; they simply want the principle, the main points they have, to be included in the bill.

The member for Welland-Thorold did raise a problem which I would like to deal with very briefly, an apparent contradiction between section 7 and section 14. Section 7 of the bill in effect says the fence-viewers shall make an award. Section 14 of the bill indicates where no award is made, such and such will happen. I would like to explain to the honourable members that this is not meant to be a contraction and is not really a contradiction because we do go along with the principle in the bill that the fence-viewers must make an award where possible. Section 14 provides for those areas where the fence-viewers cannot make an award. Possibly it is beyond their jurisdiction; there is no survey and they can't make an award. Or possibly the matter has been settled by the time they get there, or settled harmoniously when they get there. There may be some reason why the fence-viewer cannot make an award and section 14 provides that they collect their fees anyway. The point the member for Welland-Thorold made that section 14 could be misinterpreted was well taken, and



for that reason we will be proposing an amendment when we come to section 14. I apologize to the opposition members that I have not given them that amendment until this evening, but I did give both of them notice that that amendment would be coming.

I also want to reply briefly to the question raised by the member for Wellington South (Mr. Warton). I think the question he posed really had to do with whether or not the fence-viewers have the jurisdiction to decide on the type of fence and its construction if there is a dispute between the two owners. I would like to point out to the honourable members that section 7(c) of the bill does give the fence-viewers the right to decide on the type and construction of the fence, as well as allocating the cost.

The member for Wellington South asked whether, if fence-viewers find that the fence is in the wrong place, they can give a decision leaving the fence in the wrong place. Can they decide that the fence should be here rather than there, or not on the boundary line? The answer to that is no. This act does not give them those powers. There would have to be other means of settling that dispute. The fence-viewers don't have the power and we don't want to give them the power of settling boundary disputes, which we think is beyond their jurisdiction.

All of the other matters of substance raised dealt with individual clauses in the bill. With your permission, Mr. Chairman, I would like to move to section 7, if there are no comments before section 7, and place an amendment.

Sections 1 to 6, inclusive, agreed to.

On section 7:

**Mr. Rotenberg:** Section 7(b) provides three different items on how the fence-viewer can make the award. Subclauses (i) and (ii) in effect say the fence-viewer can make an award equally or unequally, and subclause (iii), over on page four of the bill, indicates the fence-viewer may award that one adjoining owner shall construct and pay for the entire fence.

This is a matter the Ontario Federation of Agriculture specifically felt should not be in the bill. Although the preferred position of some of them was still 50-50, they could live with subclauses (i) and (ii) provided subclause (iii) was not in the bill.

We have considered this matter and think they do have a valid point; subclause (iii) could be removed without harming the principle of the bill. For this reason I would move a following amendment.

**Mr. Chairman:** Mr. Rotenberg moves that section 7(1)(b) of the bill be amended by striking out "or" at the end of subclause (ii) and by striking out all of subclause (iii).

**Mr. Rotenberg:** Mr. Chairman, might I make a suggestion? I note the member for Welland-Thorold has a different amendment on this clause. I am wondering if we could vote on my amendment first, which hopefully would carry, and then he could move an amendment to the clause as amended. I think mine is non-controversial and his certainly will be controversial.

**Mr. Swart:** I agree with that procedure. I am not sure whether the member for Waterloo North (Mr. Epp) wanted to speak to it first. I do want to speak to the amendment but I agree with the procedure.

**Mr. Epp:** I have no objections to the procedure, Mr. Chairman.

**Mr. Swart:** Mr. Chairman, I will vote in favour of the amendment because I believe it improves what is in section 7 of the bill at the present time. However, I don't think it goes far enough in meeting the requests of the Ontario Federation of Agriculture or the Rural Ontario Municipal Association in assuring the principle of a 50-50 split in the cost of constructing a line fence. Therefore, I will be moving an amendment afterwards, which the parliamentary assistant has, to make further changes in that whole subsection (b). But we can deal with this first and deal with my amendment afterwards.

**Mr. Epp:** Mr. Chairman, we have no objection to the amendment. We think what the member for Wilson Heights has recommended makes sense and we will support it.

Motion agreed to.

**Mr. Chairman:** Mr. Swart moves that section 7(1)(b)(i) and (ii) be deleted and the following substituted therefor: "(b)(i) that each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one half of a fence; or

"(ii) that the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall, upon being notified by a designated adjoining owner of the costs of the work incurred from time to time, pay to the designated adjoining owner one half of the costs incurred, unless the fence-viewers in the circumstances of the case considered an award in the term of subclauses (i) or (ii) to be unjust, in which case the fence-viewers may make such award in respect of the



construction, reconstruction, repair or maintenance of the fence as they consider appropriate."

**Mr. Swart:** Mr. Chairman, as I have already pointed out, the amendment put by the member for Wilson Heights does make an improvement and at least goes part way to meet the requests of the Ontario Federation of Agriculture. There is a very strong feeling among the Ontario Federation of Agriculture and among the Rural Ontario Municipal Association that the principle of the 50-50 split should be firmly established. In Bill 17 which we have before us, that is not established to their satisfaction.

[8:15]

The Rural Ontario Municipal Association, after the amendments from this party had been submitted to them by the member for Wilson Heights, went over them in some detail; and they have confirmed they would like to see an amendment which I have put become the operative section of the act.

Again, I am the first one to admit that the difference may not be great; but there is a real difference in the wording. The existing section says, "the award shall specify that each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one half of the fence or such other designated portion of the fence that the fence-viewers consider just." If it is left at that, I think you would agree that if that was taken to court it would be pretty wide open. There is really no basic principle established there. It says, "one half . . . or such other designated portion," all in the same clause.

The amendment which I am submitting takes that out of those clauses that firmly establish that principle, and then, pursuant to those clauses which establish that principle, there is a qualifying section. That may seem like splitting hairs; but the lawyers tell me that if that goes to court there is some difference between those two, and it more firmly establishes the 50-50 principle. I think the reason that the member for Wilson Heights has moved that subclause (iii) be taken out is to establish that principle more firmly. This does it even a bit further; therefore, I suggest that it is preferable and that my amendment should carry.

**Mr. Rotenberg:** The member may be correct that it is splitting hairs but not totally correct. There is some difference and, as he indicated, it may be a subtle difference, but it could be indicated in the courts that the wording he suggests makes the

50-50 law mandatory, unless there is a very great exception. Really, what I think would happen if we carried his amendment would be that the fence-viewers would feel they are bound by the 50-50, unless they can really establish that something else should happen. In practice, it may or may not work out that way, but the accent is that the 50-50 is what should happen.

The way the legislation has been presented in the bill, the fence-viewers are much freer to assess responsibility for the need for the fence, and responsibility on the type of fence and so on, and would have a little wider discretion.

The member is quite correct in that the Ontario Federation of Agriculture has said it prefers the wording he brought forward, but it has also indicated that as long as subclause (iii) is out—and it is now out—the OFA can quite happily live with the wording the government has presented in the bill.

I think there are a couple of points that should be raised in discussing this amendment. During second reading, the member for Huron-Middlesex (Mr. Riddell) raised the first point and indicated that he would not support this type of amendment because, although the livestock farmers would be delighted, the cash crop farmers would not like the amendment. There could be a situation of one type of farmer next to another type of farmer, and while I am certainly not an expert in agriculture I can understand the fence would be required because the livestock would enter the cash crop farmer's land.

**Mr. Makarchuk:** You should be wearing overalls.

**Mr. Rotenberg:** If the cash crop farm has no fence—and I am sorry the member for Huron-Middlesex is not here this evening; he could put it much better than I—and a sort of Sunday horse farmer comes in and puts a bunch of horses on an adjoining farm, suddenly the cash crop farmer who has been happy all these years, requires a fence. In those circumstances, maybe the man who has changed the circumstances should have to pay more than half the cost of the fence. The man who was happy without a fence, because he was not responsible for the change in the circumstances, should perhaps pay less.

The other point, which I think follows the matter raised by the member for Wellington South, is if there is a dispute on the type of fence; if one owner, be it urban or rural, wants a very fancy fence and the other owner



is content with quite a simple fence. Then the fence-viewer might say, "All right, we will have a fancy fence; but the man who wants a fancy fence will have to pay more than half the cost because he, in effect, is requiring the cost."

Another thing I should point out is that although historically the Line Fences Act has been deemed to be a rural act, the Line Fences Act also applies in urban municipalities and has for many years. In an urban situation, far more than in a rural situation, I can see where the mandatory 50-50 or the semi-mandatory 50-50 division should not apply.

Let us take a case where there is a vacant lot on the main street and behind it on the side street there are three or four houses. There's no fence and they are very happy. But the line on the main street may be zoned commercial and suddenly the commercial owner puts up a row of stores, or a drive-in theatre, or a cleaning plant, or an abattoir—God knows what—and suddenly there is a need for a fence in order to protect the private property owners who were quite happy before. Certainly it would seem the commercial owner should pay for more than half of that fence.

In the wording as proposed by the member for Welland-Thorold, sure, maybe the fence-viewers would award more, but there is a certain restriction implied in his wording which would make the fence-viewers hesitant in those cases to put forward anything more than a 50-50 division.

I am agreeing somewhat with the member for Welland-Thorold in that maybe there isn't that much difference between the two wordings. If that is the case then obviously they should accept the wording that is in the bill. There's not that much difference, but I feel there is enough of a difference that in all of the kinds of situations that are put forward would inhibit the fence-viewer from making a 60-40 or 70-30 division, or whatever, in the wording proposed by the member for Welland-Thorold.

For these reasons I would not support the amendment and would urge my colleagues in the House also not to support the amendment.

**Mr. Epp:** Mr. Chairman, I have looked over this amendment and I think it does clarify what the member for Welland-Thorold has indicated it clarifies, and without much ado we will support this amendment.

**Mr. Chairman:** All those in favour of Mr. Swart's amendment will say "aye."

All those opposed will say "nay."

In my opinion the ayes have it.

Motion agreed to.

Section 7, as amended, agreed to.

**Mr. Haggerty:** Section 4?

**Mr. Chairman:** I'm sorry, section 4 has been carried.

**Mr. Haggerty:** Section 7(4), "Location of fence."

**Mr. Chairman:** The section has been carried, but if you have a question, go ahead.

**Mr. Haggerty:** I thought you were dealing with section 7(1)(b).

**Mr. Chairman:** I asked if section 7, as amended, should stand as part of the bill. I don't want to cut any honourable member off; I'm sure you can ask a question.

**Mr. Haggerty:** I just want an explanation from the parliamentary assistant of subsection 4, where it says, "Location of fence. Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the adjoining owners, they may locate it either wholly or partly on the land of either the adjoining owners where it seems to be most convenient, but such location shall not in any way affect the title to the land."

This particular section of the fence-viewers act has often caused municipal councillors problems—even the private owners. I am just not sure that that is the right wording. It doesn't solve the problem.

You may not have title to land but you have possession of it. You could perhaps have a fence moved 100 feet on the other side of a stream, or something like that, which would certainly deprive a farmer on the other side of the fence of his rights to water.

It has always caused problems within municipalities that any person where a fence has been established for a period of seven to 10 years doesn't have title to the land but has possession of it. When you are dealing with farm lands it may remove a person's right of access to water. If he has a cattle pasture in a marsh area or swamp area it could cause problems.

It just isn't worded right. There has to be some protection there. It could happen that an improper decision by the fence-viewer could deprive a person of his rights to a stream of water on his farm.

**Mr. Rotenberg:** Mr. Chairman. I see the honourable member's concern. But I think the way the clause is worded it really would be for minor deviations. Up to a point, you have to trust the discretion of the fence-viewers that in moving a fence they wouldn't deprive someone of his water rights for a major portion of the land. Sometimes there's



a little hill or something in there that means the fence has to deviate.

The purpose of the section is to allow—to use a term from the committee of adjustments—minor variances in the fence. I certainly don't think this should be used to move a fence 100 feet one way or the other. That gets far beyond the sense of what is meant in this section.

I would say to the honourable member that until he raised it now, no one has ever raised this matter during all the discussions on this bill. To the best of my knowledge, there's never been a problem in the past with this section as far as the implementation is concerned.

Simply going on the bill's 179-year history in various forms, this hasn't caused a problem. I think we can assure the honourable member that the intentions here are to have very minor variances and it hasn't caused a problem up until now. I see the member's concern but I don't think it's something to worry about.

Sections 8 to 11, inclusive, agreed to.

On section 12:

**Mr. Chairman:** Mr. Swart moves that sections 12(5) and (6) of the bill be deleted and the following substituted therefor: "Where the clerk of the local municipality, in which the land of the adjoining owner is situate receives a certificate prepared under subsection 1, and the award in respect of which the certificate was made or copies thereof certified by the clerk in accordance with this act, the treasurer of the municipality upon application in writing by the owner entitled to receive the amount certified, shall pay to the owner the amount so certified."

He further moves that section 12(9) be amended by striking out the words, "or instead of applying for that amount or a portion thereof under a bylaw passed pursuant to subsection 6" in the second, third and fourth lines.

**Mr. Swart:** Mr. Chairman, it's perfectly clear to all members of the House what we're intending to do with regard to this amendment. Under the bill as it now stands, the recourse for an owner to collect from the other owner one half of the cost of the fence or whatever portion shall be awarded by the fence-viewers is to take it to court and get an award there, or the municipalities may pass a bylaw so that the amount can be levied against the taxes of the other owner and that money will be paid over to the first owner at the time it is collected. That could be two, three, four, or even five years.

[8:30]

This amendment provides that if the one owner requests, a municipality shall assess that against the taxes and pay it immediately over to the first owner.

Under this act, it's left up to the municipality whether or not they pass a bylaw to pay that over immediately first of all, this will mean that there can and probably will be wide variations throughout the province between one rural municipality and the neighbouring municipality. One municipality will pass the bylaw and another municipality won't pass the bylaw. There will be confusion among the farm population, the landowners, as to how they are going to collect this money. It seems to me there is merit in having it uniform.

Under the former act, their only recourse to get this was through the courts. They had to look after the collection themselves. In fact, under the act which we are now replacing, a great deal more of the responsibility was put on the land owner. He even had to notify the other owner that he was calling in the fence-viewers. It was a sort of confrontation between the one landowner and the other landowner.

This bill moves most of that responsibility of notification and all other matters to the municipal clerk, as I think it should be, and there is no disagreement in this House about it because the government has brought in that notification amendment at the very strong request of the Ontario Federation of Agriculture. But this one section still leaves the whole thing very vague and very weak. I think we should tidy it up and amend it so that it is uniform across the province. Once they've gone through appeal procedures, if appeal procedures are taken, then if the one owner wants to collect that money, he still has the right to go to court to do it.

He also would have the right to go to the municipality. If he goes to the municipality, which is much the cheapest way—and the municipality has security in the taxation process—he would have that money paid to him, and not just on the whim of whether council decides to pass a bylaw. We all know what happens in these cases. Somebody gets caught like this and the municipality rushes a bylaw through. However, the neighbouring municipality doesn't have this problem and it doesn't have a bylaw. Then, when one of its constituents gets into a problem, that municipality doesn't have the bylaw there to resolve the problem.

It should be done for uniformity and, more than that, to be fair to the owner who has invested money in the fence. When it's all done at the initiative of the municipality and



where the fence-viewers are appointed by the municipality, make the award, and where it has gone through the court and where the judge, under section 10 of this act, is paid by the municipality, he doesn't have to collect from the person who brings it to court, he gets paid by the municipality. That's already in the act. But the farmer may either have to take the other person to court and perhaps never collect it that way—we know the difficulties there, even if he does get a ruling in his favour—or if it is applied against taxes, he may have to wait until the money is actually collected which could be two, three, four or five years.

I admit to the parliamentary assistant that the Rural Ontario Municipal Association on a split vote, didn't back this but the Ontario Federation of Agriculture did. The OFA would like to see this amendment included in this act and, for all those reasons I mentioned I think it should be.

**Mr. Rotenberg:** Mr. Chairman, I disagree slightly with my honourable friend across the way when he says this is all on the initiative of the municipality. It is not. It is on the initiative of the individual property owner, or two of them, who want to put up a fence. The municipality simply acts as the arbitrator in the dispute. The judge is paid because the judge is a public official.

I find it a little strange hearing tonight that the member for Welland-Thorold wants to make it mandatory in municipalities to have to pay out this money. He was in this chamber about 48 hours ago, when we were dealing with another part of the Municipal Act, when his colleagues from the Hamilton-Wentworth area were so uptight about local autonomy and so uptight about the fact that local municipalities should be able to make their own decisions that those people voted against third reading of the change in the Municipal Act dealing with assessments.

This is a matter of local autonomy. Let's face it, municipalities are not collection agencies. Municipalities should not be collection agencies. What you have is a private dispute between two private parties. The purpose of this whole Line Fences Act is to have a simple mechanism for settling a dispute between two parties so they don't have to go through the long hassle of going to court. The reason for that is mainly in rural Ontario where, in the springtime if a fence is down and you want to fix it when the cattle are ready to go out you can't wait for the whole court procedure. You should have a fast procedure for settling the dispute.

Because it is a little local matter, the government 186 years ago decided the

municipalities should be charged with being the arbitrators. That's fine, but it doesn't mean that once the matter is settled the arbitrators have to put up the front money until the person against whom the judgement was made can pay. By the same logic, when you go to the county court or the Supreme Court, you can say the court should advance the money to the party who gets judgement until the other fellow pays his money. It is just so against all matters of justice to say the court, in this case the municipality, has to advance the money to the winning party in a dispute. I don't think it proper.

We have made it an option on municipalities where there is a small amount and the municipality wishes to do it; we give them the power to do it if they want to. But I repeat, to make it mandatory that the municipality must lay out the money is contrary to local autonomy and contrary to good legislation.

It isn't that bad because, unlike other cases, it is provided in this legislation that if the party doesn't get paid he can go to small claims court—which is a much faster process—and get in in effect a judgement summons and be able to very quickly send in the sheriff to collect his money, if he wants to go that route.

The other point we have to realize is there may be some situations, in a rural municipality which is large in area but very small in assessment, in taxation and so on, where you might get an award between two very large-sized farms, an award in the thousands of dollars, as the amount awarded from one farmer to another in building a fence. The winning party in that case may go to the municipality and say, "Hey, fellows, I want my money." That could be a major piece of the township's budget. It could in fact blow their budget or their monthly payment if you got a couple of major awards in a small rural township.

**Mr. Swart:** That's a straw man.

**Mr. Rotenberg:** Frankly, I do not feel you should make it mandatory upon a municipality to be the collection agency. In fact, quite frankly I have some reservations about having the municipality in the collection agency business at all. But if a municipality wants to do it to facilitate their citizens with small amounts and put it on the tax bill of the owner against whom the judgement is made that is fine, let them do it.

For these reasons, Mr. Chairman, I would not support the amendment.

**Mr. Epp:** I appreciate the indulgence you are exercising tonight, Mr. Chairman, letting



everyone speak in their turn. We are proceeding very quickly with these amendments during committee of the whole House.

As far as I am concerned the member for Welland-Thorold is somewhat inconsistent with his colleague from Wentworth as I noted here before the member for Wilson Heights mentioned it. When we were speaking about Bill 115 on Tuesday night the member for Wentworth (Mr. Isaacs) indicated very strongly we should have more local autonomy and, secondly, he indicated very strongly when I brought in my amendment to permit equalization of assessment under section 86 of the Assessment Act—and we were dealing in that instance with section 505 of the Municipal Act—he indicated very strongly that municipalities should be able to do what they wanted and, obviously, we were the wolves at that time in not being consistent in supporting him.

We will be consistent tonight, Mr. Chairman. We will support the amendment because I think it does bring more consistency across the province and that is what we want. In addition, in our conversations with the Ontario Federation of Agriculture they indicated very strongly they would like to see something of this nature. I also feel it reduces the use of the court.

We often hear about the excess number of cases that go to court. The Attorney General (Mr. McMurtry) says he needs more staff for the courts. We say we need more court buildings and everything else and yet we continually try to create situations where the courts have to be used. Albeit in this case it's a small claims court, nevertheless, it does overload the courts. I think this is one step in the direction of trying to get some kind of uniformity and in reducing the amount of administration in the courts without, I am certain, overburdening the municipalities in trying to settle these cases. Secondly, it's very often difficult for a small landholder, whether it's a lot in the city or a small farm in the rural municipality, to pay for the fence in lieu of waiting for a payment by his neighbour sometime in the future. I think this may resolve some of the cases that come up; and will resolve them more quickly. It will clear the decks as far as payment is concerned without overburdening the administration of the municipalities or the amount of revenue the municipality raises during the course of a year. We obviously will support this particular amendment.

**Mr. Isaacs:** Mr. Chairman, I won't respond to the comments of the honourable member for Waterloo North because I was pleased to hear his remarks in support of the amendment

proposed by my colleague for Welland-Thorold.

The parliamentary assistant made some comments regarding consistency. I want to suggest to him that first of all, if he reviews the record on second reading of this bill, he will see I urged at that time that there are certain responsibilities that should be a municipal responsibility and certain things that should be a provincial responsibility.

I want to suggest to him that if instead of dealing with this bill before us tonight we were dealing with an amendment to the Municipal Act that empowered municipalities to decide how they wanted to deal with fence disputes within their own municipality, that would be saying that fence disputes are the responsibility of the municipality and would be supporting municipal autonomy in that area.

That's not what's before us tonight. What is before us is a provincial bill that says fence disputes are to be settled in this way. I am assuming, therefore, it's the government's belief, and I tend to go along with that, that fence disputes, like a lot of other legal matters, should be uniform across the province. If the fence disputes themselves are to be handled in a uniform way, then I don't understand where municipal autonomy in regard to one very tiny and relatively insignificant portion of the whole process comes in.

I want to suggest to the parliamentary assistant that in section 10 of this bill, if a judge of the small claims court intervenes in the proceedings, then the costs incurred by that judge can be collected on the tax bill of the person concerned. In a subsequent section of the same bill, a similar provision exists, so there is already a precedent in this bill for part of the costs being collected on the tax roll for the persons who are involved in the dispute.

The amendment my colleague has introduced is saying if you can collect some of the costs that may be incurred in settling a fence dispute on the tax bills then why not make it so all the costs involved in a fence dispute can be collected on the tax bill. Rather than plugging up our small claims court or our court system with disputes regarding the recovery of funds that are awarded under this act, it would be so much simpler for them all to be collected on the tax bill against the party who is not paying them in a proper manner. I strongly urge support to the amendment introduced by my colleague.

[8:45]

**Mr. McKessock:** I would like to support this amendment as well. The municipality is going to collect and pay the amount of the



fence, no matter whether we accept the bill as is or whether this amendment is adopted, so it is not going to change the amount of money or how it is going to be collected. It is only that the municipality will pay it immediately rather than waiting until it is collected on the taxes.

Government legislation is confusing enough without us allowing legislation to go through that we know will confuse. It will confuse because the bill allows the municipality to pass a bylaw to pay immediately, whereas this amendment would mean every municipality would have to pay immediately. Therefore, if we leave it the way it is, some municipality will pass the bylaw and others won't. To amend it so every municipality will have to pay immediately will mean when a farmer in Grey asks me the situation on this bill, and when he is to be paid, the answer will be the same as when a farmer in Perth or in Bruce asks how the money is to be collected. The amendment will straighten it out so no matter where in Ontario the farmer asks how he gets his money, it will be the same, if we adopt this amendment. Therefore, I will certainly support the amendment.

**Mr. Rotenberg:** I am sort of wondering whether we should have made this change in the act at all. The present law, as it stands, does not provide for the municipality to pay out the money, but to pay it out as it is collected on the tax rolls. The government felt, and I think quite rightly, that if a municipality wanted, in effect, to advance the money they would be able to. I think carrying that to what I consider its illogical conclusion, to say the municipality must advance the money, is imposing a burden upon a municipality which, as a Legislature, we shouldn't be doing. We shouldn't, as I say, make them become a collection agency.

Many civil disputes are settled in the courts under many different forms of legislation. I don't know of any other legislation—there may be one, but I don't know of any other one—where after the judgement has been rendered, the public purse, in effect, lays out the money in a civil dispute between two private parties. Then the public purse has to go and collect the money from the party the judgement has gone against. I don't know any other case of it. I think by making mandatory on municipalities, that the public purse must lay out the money when a judgement is rendered in a private dispute between two private parties, is setting somewhat of a dangerous precedent.

The member for Wentworth mentioned the judge gets paid. The judge is a public

official and the court costs, as assessed, are far different from what is assessed between two private parties. I don't think it is inconsistent, because in every other situation the court collects their money in a different way than the judgement against two private parties.

I really think the main point is this: the objection opposite seems to be that the courts are clogged enough and you would have a problem collecting. This doesn't have to go back before the judge. Once the fence-viewers have a certificate, the certificate is filed with the small claims court clerk and the bailiff goes out and does whatever bailiffs do in order to collect the money, if the injured party wishes to proceed in that way. You file an execution against the party the judgement has gone against and the judge doesn't get involved.

You don't have to go and get a judgement summons. I think I mentioned that before and I was in error. You simply file the certificate. You get a certificate for the bailiff and out he goes and collects whatever he can from the person who hasn't paid up. That is probably almost as quick as collecting from the municipality if you have to go through all these situations. In some of these very small rural townships, I think it can be a burden upon the part-time clerk who has to go ahead and go through all these situations in order to pay off on a judgement as brought forward by the fence-viewer. I don't think we should impose this on municipalities. I really think we should not make it mandatory.

If having it optional really bothers the members opposite, I think maybe we should retreat to the previous situation and just say, "Go and collect by the judge's summons, or wait till the man pays on his taxes," but not allow anybody to advance the money. Quite frankly, if one wants no local autonomy, if one wants one rule for the whole province—I would prefer that we not support the amendment.

On the understanding that amendment is not supported, if the opposition wants consistency they should bring forward another amendment saying in effect that no municipality can advance the money. It can go on the tax roll and as it is brought in it is paid out to the agreed party. I think that would be a much preferable position to the one the opposition is now bringing forward. So, again, I say I cannot support this amendment.

**Mr. Swart:** The pattern is going to be that we get up twice on amendments; there are two points I want to make, Mr. Chairman.



First: this is not a private affair as private disputes normally are. The parliamentary assistant should know that in no private dispute in the courts does a municipality end up paying part of the costs. This is a municipal action and is not just a private action.

The second point I want to make on this has not been mentioned and I suggest the parliamentary assistant to a very large extent is setting up a straw man. Does he know that there are fewer than 10 cases a year in Ontario which go further than the fence-viewers? Is this going to be a major burden to the municipalities? Of course not. The costs are small, the instances are very few. This makes eminent sense.

**Mr. Sterling:** Mr. Chairman, I think there is one kind of example where the court gets involved in the collection of judgements and that is in cases in the family court where we are dealing with maintenance payments for children, for spouses who are unable to take care of themselves. I think this government last year agreed with the principle that a clerk of the court or a public official should be actively involved in the collection of those funds.

When we are dealing with property rights, however, I beg to differ in terms of throwing on a public body—and with all due respect to the member for Welland-Thorold, we are dealing with a private matter, we are dealing with two property owners. The fence-viewer is a semi-judicial person who is deciding the rights as between those two people.

I don't know if the member for Welland-Thorold has had any experience of a dispute involving a fence-viewer, but I have had a few both in terms of my legal career and my public career. They are bitter disputes between the two individuals. Why should we throw the municipality in the middle of this particular dispute? It is between two private people, there is a decision made, they are talking about money related to property. Surely they can support and collect their own debt.

**Mr. Chairman:** All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

Section 13 agreed to.

On section 14:

**Mr. Chairman:** Mr. Rotenberg moves that section 14(1) of the bill be struck out and the following inserted in lieu thereof: "(1) Where the fence-viewers have attended at premises pursuant to a notice given under

section 4(2), section 11(8) or section 13(5) or (7) and have decided (a) that no award shall be made because they have no jurisdiction to make the award or because the owners of the adjoining lands have requested that no award be made; or (b) that no certificate or determination with directions shall be made, they shall prepare their decision in the prescribed form giving reasons therefor, and shall specify in the decision that the fees of the fence-viewers in respect of such attendance be paid either by one adjoining owner or by the other or that a specified portion of the fees be paid by each of them."

**Mr. Rotenberg:** This does not in any way change the principle or the thrust of the bill. It simply clarifies, in response to the proper question raised by the member for Welland-Thorold and others, that section 14 seemed to be contradictory to section 7. Possibly a court somewhere down the line would make that interpretation. So upon his request we have redrafted this section simply to clarify that in section 7 the award is still mandatory, but section 14 provides for those cases where an award cannot be made and that the fence-viewers will still be paid. That is the reason for the amendment.

**Mr. Epp:** We support the amendment, Mr. Chairman.

Motion agreed to.

Section 14, as amended, agreed to.

Sections 15 to 17, inclusive, agreed to.

On section 18:

**Mr. Chairman:** Mr. Sterling moves that section 18 of the bill be amended by adding thereto the following subsection: "(2) No person shall initiate proceedings for calling on the fence-viewers to act under subsection 1 without the approval of the council of the municipality in which the road allowance is situate."

**Mr. Sterling:** In many of the areas of eastern Ontario there are many unopened road allowances. When reading this section, and with some experience in this matter, I became concerned that if a fence is erected on the centre line of an unopened road allowance it could restrict the use of that unopened road allowance for people who are using it as access to property which is otherwise inaccessible.

Therefore, under an earlier section of the act, section 11(8), the process of notifying adjacent owners goes through the clerk of the municipality in the normal circumstances. One owner comes in to see the clerk and says, "I want the fence-viewer to go out and adjudicate between myself and a neighbour."



The problem with involving just the two adjacent owners is that the erection of the fence along the centre line can have a detrimental effect on a person who is using that as private access to his property which is beyond those two properties immediately concerned.

Another problem is that if, for instance, land is unfenced and all of a sudden the owner of one of the properties decides he would like his land fenced, he goes to the clerk of the municipality. The clerk then notifies the other owner and in seven days, I believe it is—a short period of time—the fence-viewer comes and makes an adjudication. If that decision comes down quickly, one of the parties can immediately move to begin erecting the fence.

This gives very little notification, not only to the third party. I mentioned before that the party who is being served the notice often is unaware of what the act is about. He has never seen a fence-viewer nor does he know what his rights are. I have had some personal experience with people who have used the unopened road allowance for access to their property. In effect what has happened is that, by erecting the fence down the centre line, usable access to their property has been cut off.

[9:00]

What I intend to do in this subsection is, first of all, initiating the action through council when dealing with an unopened road allowance so that they will be notified of the circumstance, and not the clerk alone, so that rural councils will be very well informed as to where open road allowances lie and what people are using them as access to their property beyond. Then they could take into consideration the third party. They might say to an individual who wants a fence on the centre line: "You can't have it because a third party down the line needs it."

Not only that, but they can also consider the problem of someone giving a little more time and explanation to an individual who is using not only the portion that would be within his half of the road allowance, but may be in the other part of the road allowance, for a practical access to his property. What I am saying here is it may be argued that it is included in the first part of the section in that the municipality can say to anyone he doesn't have the right to half the property, but the problem is that the process is set in motion prior to this fact coming out.

**Mr. Haggerty:** I would like to address myself to section 18 and particularly to the amendment. I think the member for Carleton-Grenville is quite right in moving this particular amendment to section 18 of the act where the line fence can be constructed or built along an unopened road allowance, that is, down the centre of the line.

My concern is that it may have some benefits to farmers or the persons in the agricultural industry, but I think the member is quite right in that it will deny access in many cases, for example, in my particular area, where there are a number of unopened road allowances going to a body of water such as Lake Erie. In this particular instance under section 18, if we permit a fence to be constructed on an unopened road allowance, it will deny the public access to that body of water.

I don't have to remind the House of my feelings relating to access to the shores of Lake Erie in my area, where the public for a number of years has had difficulty getting to the lake. In many cases, they have to use 66 feet of a road allowance and they would be packed in there like sardines in a can. On the other side of that road allowance, there is half a mile of vacant beach.

A decision of the Supreme Court of Ontario was handed down, I believe, in 1975 by Mr. Justice Stark. Because the public had no access to that body of water because of a fence denying that right, he passed on to the adjoining property owners on the side of the road allowance title to the lakeshore, which certainly in the long run denied the public access to the remainder of that lakeshore which is crown land. It was crown land in this particular instance.

I suggest to the member piloting the bill through the House tonight that I would like to see section 18 of the bill withdrawn for the simple reason that that removal will solve problems there. In my area, it certainly will. Otherwise, I can see more fences being erected along these unopened road allowances denying the public access to them.

I just could not support any particular instance where we would permit a fence down the middle of the road. When you come to the end of the road, you will see the fence either going right or left and blocking off the public. I think it is most important when it comes to a body of water, a lake or stream in Ontario that under that particular section we are going to deny the public access to that lake or river or stream.

I could accept an amendment, if the member would consider it that there should



be public notice of the intent of the adjoining property owners to put a fence down the middle of the road, and not only just to notify council. Sometimes council can be a little bit lax in its duties, and these things can be slipped through without the public being aware of it and the fence erected.

I suggest an unopened road allowance should remain in public control at all times. I can see the problems not only with the Lake Erie shoreline but in almost every cottage area in the northern part of the province and in southern Ontario as well.

I commend the member for bringing forth that particular amendment because it does draw to our attention that there are problems with section 18 of the bill.

**Mr. Swart:** Mr. Chairman, I will be brief. I agree with the amendment which is proposed and commend the member for Carleton-Grenville for catching this and introducing it.

The comments by the member for Erie should be given some attention. They commend themselves to some attention. Although there may be no problem in this regard in the rural areas, as the member rightly points out, in the Niagara Peninsula where the road allowances are the only access to the beaches in many areas, and where there is a great deal of interest in maintaining those open, apart from perhaps even the local municipality, there probably should be a notice given if a fence is going to be installed.

I recognize that most types of fences are not very permanent structures, and could be taken down. But once a fence is installed that becomes very difficult, so probably public notice should be given in addition to the amendment which is here.

I'm not sure how we handle that at this time, unless we want to stand this section down to endeavour to incorporate that proposal. It seems to me that's the way we should deal with this.

**Mr. Rotenberg:** Two points, Mr. Chairman: Firstly, I will support the amendment from the member for Carleton-Grenville. But I would point out that what he is putting explicitly in the amendment is already implicit in legislation.

That is, it's all very well for two adjoining owners to say they're going to fence off the road allowance, but as the act says in effect at the end of this section, they deem to do so at their peril. No one can walk on to public land and put up a fence without the consent of the municipality. Some people may do it, but they shouldn't be able to do it.

I think it's well if this is done explicitly in the act, as the member has brought forward in the amendment, so it is explicit. That way, everyone knows before he can put up a fence between two adjoining properties, he has to go to the municipality and the municipality does whatever it does to give notice.

I share the concern of the member for Erie but I would point out that this act does not give the municipality any powers which it does not have now. As I understand the law, and it's another section of the act, a municipality can close and fence off an unopened road allowance at any time without reference to anybody, without giving notice. That is a power a municipality now has.

**Mr. Haggerty:** They have to do it by by-law.

**Mr. Rotenberg:** A municipality can close up an unopened road allowance at the present time.

**Mr. Swart:** An unopened road allowance?

**Mr. Rotenberg:** Unopened.

**Mr. Swart:** They can't do that without taking lengthy procedures.

**Hon. W. Newman:** Oh, yes they can.

**Mr. Rotenberg:** Mr. Chairman, if it is an open road, then they have to give notice. It's a whole procedure. But they can close an unopened road allowance, just sitting there all by itself, without giving notice to the adjoining owners.

**Hon. W. Newman:** They do it all the time.

**Mr. Rotenberg:** I'm sorry they have to give some notice.

**Mr. Swart:** Of course they do.

**Mr. Rotenberg:** We're not taking any of that power away. We're not changing any powers. This act only deals with fences, whether or not you put up a fence. The member for Erie is concerned, and I understand his concern, that maybe municipalities have too much power in being able to close up unopened road allowances.

If it's an open road allowance leading to water, for instance, which is the member's concern, there has to be permission from this government to do it. But for an unopened road allowance, there doesn't have to be.

I would suggest to the member for Erie this matter should not be dealt with in the Line Fences Act. If there is a loophole in the act which would allow municipalities to close up unopened road allowances which are being used for access roads, I'd suggest that should be reviewed in the proper section of the Municipal Act and not be dealt with in the Line Fences Act.



As the member for Erie has a problem of concern, I'll undertake with our staff at least to review those sections and discuss them at some early future date with him to see whether or not we do need some changes in the proper section of the Municipal Act. But I would suggest to him the proper place to put in the caution, and to make sure the rights of citizens who use unopened road allowances are not taken away, is not in the Line Fences Act but in the general municipal legislation that deals with closing and opening road allowances.

So I would hope we would carry the clause as amended here and catch up with the other problem at a future date.

**Mr. Haggerty:** I'm trying to grasp the comments from the member. This concerns any person who has property that adjoins a road allowance—it doesn't have to be a person in the agricultural industry; it can be a cottage owner or a person who has lakefront property that adjoins or abuts an open road allowance. This would permit them to put a line fence up the middle of the road and at some place before the end of that fence branch off either right or left and close it off to the adjoining property owners. It's a common practice of Americans along the lakeshore of Lake Erie. They're doing it every year.

By permitting this, when it comes to a court decision, whether it's under the Quieting Titles Act—I guess that's the name I'm looking for—or some other decision of the court and the Chief Justice starts making decisions to give owners of abutting property the right of access to lakeshore properties—he says they maintained the lakeshore because the public did not have access to it—if you permit a fence through a centre line of an unopened road allowance, you're going to deny public access to that lakefront property. Then usually once a precedent had been established in the Supreme Court it's a routine matter. The entitlement the public may have to that lakefront property will be lost forever.

That's the point I'm raising. You're going to permit a new angle for these property owners to deny the public access to a body of water.

**Mr. Ruston:** That a good point.

**Mr. Sterling:** I don't know whether the decision the member for Erie is referring to would relate to this specific type of problem.

I mentioned third parties when I was talking about the rural municipality problem I basically designed this amendment for.

I didn't want to encumber the municipality with having to advertise in newspapers on every line fence that occurred between two

adjacent owners. I think that would be too expensive for them in terms of the type of problem I was thinking about.

I appreciate your problem in saying there should be public notice in relation to the right of way to the water. But with this amendment whereby the municipal council has to have it brought to its attention, surely the people should be able to rely on those municipal councillors to protect their rights rather than allowing two property owners to benefit at the expense of the public as a whole.

I can understand the member for Welland-Thorold's reason for wanting the public to know, but in practical terms, it would be extremely expensive for many small municipalities to follow that rule.

I also think section 18 is explicit that under this particular section, which would become section 18(1) as it now stands, although the party would occupy that land there is no title conferred on that particular party. I don't know which decision the member for Erie was relating to when he was speaking on this matter.

[9:15]

The third thing is in many instances municipalities would very much like adjacent owners to take on the road allowance so that it can be properly cared for. They would in fact like a line fence down the middle. So I don't think an outright prohibition for doing that is proper either.

I basically designed the section to allow the municipality, the municipal council, to have notice of it and would hope they would act in a responsible manner in protecting the rights of the various individuals in the municipality.

**Mr. Swart:** The more I listen to the debate, Mr. Chairman, the more I am convinced we should stand this amendment down until we do draft—unless it can be done quickly now—provisions for some form of public notice. At the end of this clause it might read something like: "and further, wherever permission is given by council, it may only be given after due notification has been made as if the road allowance were to be closed."

I can see that in effect this could stop off the use of a road allowance. An unopened road allowance is somewhat difficult to determine. I think I am right in saying from my municipal experience that an unopened road allowance is one upon which a municipality has spent no money. That is the interpretation of it. There are all kinds of unopened road allowances the public use



throughout this province where the public has a real interest—and, as I said before, even from another municipality.

It seems to me if you are going to put a fence down the middle of that road it effectively stops the use of that road. Even a council might want to stop off that road and not have to go through the due process and the public interest would be hurt.

Therefore, I think the amendment should be stood down. Everyone in the Legislature—most perhaps, except the parliamentary assistant behind you—is in favour of your amendment. But I think it should be stood down until we refine it to that degree, because I am afraid the public interest will be hurt if it goes as is.

**Mr. Isaacs:** I have just one point to add to the comments my colleague from Welland-Thorold has made. I would ask the member for Carleton-Grenville what provisions he has in mind for reopening the unopened road allowance, if that is the right word—I mean removing the fence. If at some time after the adjoining owners have been required to pay for it under the terms of the Line Fences Act and the council subsequently decides it wishes to return the road allowance to whatever use it was previously being put to, does the council automatically have the power to require removal of the fence without compensation to those who have paid for it? In these circumstances the abutting owners are really taking quite a gamble on what might happen in the municipality in terms of the whim of the local council.

Thank you very much, Mr. Chairman. I appreciate the clarification.

**Mr. Nixon:** Are those nods recorded in Hansard?

**Mr. Sterling:** The reason behind my amendment is to clarify the process which the people must go through to avoid exactly what you are saying—that one of the owners gets on the wagon before people realize what is going on, so he has half of the fence up and all of a sudden—

**Mr. Swart:** I know the intent; I think it should go that much further, that's what I'm saying. The intent is good.

**Mr. Sterling:** I only argue about the public notice in terms of small rural municipalities where this normally would happen. It would be extremely expensive for them to go through that process.

**Mr. Rotenberg:** The whole purpose of section 18 is not to change the law on closing or opening of road allowances, and

it is not to confer rights on anybody. The whole purpose of section 18 is to provide that where, with the consent of the municipality, the two adjoining owners are going to fence down the middle of the unopened road allowance, they can call in the fence-viewers. That's the purpose of this section—to have a mechanism where in that circumstance the fence-viewers can be called in. In my opinion it doesn't confer any other rights on the adjoining owners or relieve the municipality of its moral obligation.

It would seem to me if any council is going to give its approval, depending on the circumstances, if it is in any way responsible—and we assume all municipal council members are honourable and responsible—it will use its discretion where notice should be given and where it shouldn't be given. I can't imagine a council giving permission in the case the member for Erie raises where the road allowance goes down to the water and they are going to let two private owners grab that allowance and not let the people who vote for them have access. If they did that they'd find themselves out in the street after the next election.

But there are the cases where the member for Carleton-Grenville says that—

**Mr. Swart:** In the Niagara area that's been done already; many of the road allowances to the beach have been closed.

**Mr. Haggerty:** You are just going to compound the problem.

**Mr. Rotenberg:** What I am saying really is that this section of the act provides for the fence-viewers in most cases. But as long as it is indicated it must be with the permission of the municipality, whether this act is here or not or whether we change it or not, the municipality can close that road allowance and not put a fence up and we're not tackling the problem.

As I said earlier, with respect to the member for Erie and others, that if there is a problem in the general legislation, let's look at the general legislation. Let's not apply a Band-Aid if there is a problem in the Line Fences Act and then for other reasons not tackle the problem. For this reason I think it really isn't necessary to put a notice provision in this act. But if a notice provision is needed in the general act, then I think we should look at the general legislation.

Motion agreed to.

Section 18, as amended, agreed to.

Sections 19 and 20 agreed to.

On section 21:



**Mr. Chairman:** Mr. Rotenberg moves that subsections 1 and 2 of section 21 of the bill be struck out and the following substituted therefor:

"(1) If any tree is thrown down by accident or otherwise so as to cause damage to a line fence, the owner or occupant of the land on which the tree stood shall forthwith remove the tree and repair the fence.

"(2) On the neglect or refusal of the owner or occupant of the land on which the tree stood so to do for 48 hours after notice in writing to remove the tree, the injured person may remove it in the most convenient and inexpensive manner and may make good the fence so damaged and may retain the tree to remunerate him for any such removal.

"(3) A person who repairs a fence under subsection 2 may recover the cost of the work in the same manner as an owner under section 11(3) may recover the value of work done by him."

He further moves that the present subsections 3 and 4 be renumbered sections 4 and 5 respectively.

**Mr. Breithaupt:** Mr. Chairman, could I raise a point with the parliamentary assistant? He refers to the injured person. Surely we don't expect the tree fell on this poor chap. Would he not prefer to have it, "adjoining landowner"?

**Mr. Rotenberg:** I'm not a lawyer and my lawyers have implemented what should happen. An "injured person" doesn't mean injured in the physical sense. That means injured in the monetary sense. I think it's clear in law.

But the purpose of this amendment is simply this. In reviewing the legislation—and this clause was taken from the clause in the previous act—I think the clause as now written goes too far. It provides of course for removal of the tree and repair of the fence, but also provides that the fence-viewers can adjudicate as it says, "and otherwise make good any damage caused by the falling of the tree." The tree can fall over on the barn, the tractor, the hired hand, or the farmer's wife and you could be into a several hundred thousand dollar lawsuit being adjudicated by the fence-viewer.

This was never anticipated in the Line Fences Act and shouldn't be in the Line Fences Act. The fence-viewers should be limited in their jurisdiction to judge on repairing of fences and getting the tree out; any other damage should be referred to some other jurisdiction.

Simply, the purpose of this amendment—and it's long in wording in order to clarify

it all—is to remove from the fence-viewers the apparent power to adjudicate other than damage to the fence and removal of the tree. We don't think the fence-viewers should have that power.

**Mr. Breithaupt:** If I may for a moment, what you have done is suddenly cited one of the most ancient maxims of English law, which is, "Whatever moves to do the deed is deodand and forfeited." If the tree branch falls on your neighbour's house, presumably you get to keep the branch, for whatever good that may be. But I still suggest to you that "injured person" here—other than of course the hired hand or the farmer's wife, to which the parliamentary assistant referred—is still, at least in my opinion, not the right phrase. I think you should be dealing with the adjoining landowner to ensure since servient and dominant tenements are not involved in this kind of legislation at this point—that you have the parties more clearly defined.

**Mr. Rotenberg:** I would bow to the superior legal knowledge of the member for Kitchener and would accept—or we can just take it as a correction to my amendment—that in the fourth line of subsection 2 "injured person" be replaced by the words "adjoining landowner."

**Mr. Epp:** The amendment is self-evident and we will support it.

**Mr. Swart:** We will also support the amendment.

**Mr. Haggerty:** I am going to be raising Cain here tonight, Mr. Chairman, if you can put up with me, but I am looking at this particular section again. I must apologize for not being here on second reading, but the member knows there are other committees meeting in this assembly building, and I am sure I was at the Hydro select committee meeting on that particular night.

The point I bring to your attention is that the bill says "line fence." There is compensation if a tree from an adjoining property owner falls on the person's land next to it and damages result. I wonder, does "line fence" delete the responsibility of a municipality in a sense? Say you have a line fence along a road where you have a tree along the road allowance fall down on the farmer's fence and he is forever going out there repairing it. If an automobile hits the fence or a vehicle hits the fence, sometimes the farmer has a hard time collecting damages for that lost fence.

Again, you can have a municipality, for example, which has a line fence just alongside a road, which the farmer pays the complete cost for and it is not shared by



the municipality. But under today's snow removal methods carried out by municipalities—and I don't know if this has been brought to the attention of the parliamentary assistant or not—in my particular area, and I am sure in any snow-belt area where heavy snowfall occurs, particularly along a county road where they have a 90-foot or 120-foot width and they have to find someplace to dump that snow—and I don't have to tell you where they dump it; they come with big payloaders that carry 12 cubic yards or eight cubic yards, and pick it up, and where do they move it? Right over on top of the farmer's fence.

I will tell you, I have seen a farmer threaten to shoot them with a shotgun, because every year he has to go out and spend money. It is expensive to put a fence up today. I think I put up 660 feet and it cost me around about \$800 or \$900. That is expensive, and you can do much of the work yourself.

But all I am suggesting to you here is that I think when we come to compensation there has to be some place in this act so that where a municipality dumps snow deliberately on a farmer's fence, it should be held responsible for it. I would like to see something someplace along here so that when you say a "line fence" it includes a municipality road, so that they do have some obligation to pay that farmer for the damages they are doing to his property.

If it is for the sake of the public, to get a person to work without him losing his \$8 or \$10 an hour, surely the farmer must be compensated for that opening of the road, with the speed that some municipalities open it and dump the snow on his property. Surely there is enough width on that 66-foot road allowance to keep the snow there without dumping it on the fence.

I bring that to your attention. I think it is time there should be something in the act because in many cases it is done deliberately by a municipality. If they are removing snow, instead of throwing it against the wind they can come over to the other side and take it and let the wind go the other way with it, which wouldn't do too much damage to either side of the fence. But it is expensive to a number of farmers in my area who have to put fences up there year by year.

[9:30]

**Mr. Rotenberg:** To reply to the member for Erie, this clause in no way interferes with the general liability laws and in no way precludes the rights of one owner, be it public or private, from suing the adjacent owner. In effect this clause simply extracts from liability law the problem of a tree falling on a fence, and makes it specific that fence-

viewers get into that dispute. If a snowplough comes along and damages a fence, this does not take away any rights the property owner may have to sue or not to sue the municipality or township or whoever came along and damaged his fence.

In this legislation, I do not think one can provide for all the ways a fence can be damaged. A tree falling on a fence is one that historically has been a problem and has been within the jurisdiction of the fence-viewers for many years. No other liability section has and, as I say, it does not preclude the owner from exercising his rights under liability law against whoever damages his fence, be it another public or another private person.

**Mr. Haggerty:** What the parliamentary assistant has said might be quite all right, but let's take another approach: Under the Municipal Act—I believe it is—a county, regional or municipal road crew has the right to go in and put up snow fences some 300 or 400 feet inside that fence. Sometimes that snow will be just held back enough to hit that fence and pile up. It can be rather heavy snow, which is there for a number of months. As spring comes, the fence is ripped right off the post and damaged.

Does the parliamentary assistant not think there should be some liability to the municipality in this particular instance? It is a line fence and they are being permitted by legislation to go on private property to put up a snow fence to keep the snow from settling on the roads, et cetera, but it settles on the line fence. Again, this is where the farmer has to pick up the tab for repairing that fence. There should be some form of compensation in this bill to protect that line fence owner.

**Mr. Rotenberg:** Mr. Chairman, with respect, if there is some other provision in our legislation which allows the municipality or the province to put up a snow fence on someone's land, and because of that there is damage done to the private property, there is, first, the recourse under general liability. Second, if there is a lack in that section of whatever legislation it is, again, I think it should be dealt with under the section of whatever legislation allows the public body to put up a snow fence. In other words, we should put in that legislation some form of compensation if the snow fence does damage, or if as a result of the snow fence, damage is done. I don't think it should be put in this particular act.

**Mr. Haggerty:** I want to carry this a little bit further. I think through the experience of the honourable member, sitting on local



council as an alderman in this city, he knows the routine when persons want to collect for damages from the municipality. We have insurance that protects the public in a sense, and if one is lucky enough, one can collect it. When one goes to the insurance persons responsible for selling it to the municipalities, they always say, "Don't worry about it, gentlemen; we will look after your interests." I say very few persons have been compensated for holes in roads or anything.

**Mr. Hennessy:** They don't live that long.

**Mr. Haggerty:** That is the type of insurance they have in municipalities. I say it is costly for any citizen to take on the city fathers because there is just no possible way they can win the costs involved. I am saying there should be some form of compensation here, relating to a line fence along a regional, county or municipal road, because it costs money to erect these fences. Surely, if the farmer's cattle get out on the road, he would be held responsible for the accident.

**Mr. McKessock:** Mr. Chairman, in this section it is stated that when a tree falls on a fence, if the party owning the tree doesn't remove it, then the other party can have the tree for repairing the fence. That is a little bit laughable because probably most of these trees that fall will be dead elms and won't be worth very much. I think it would be much better if this cost was shared, as in the rest of the Line Fences Act, rather than say he gets the tree as compensation.

Motion agreed to.

Section 21, as amended, agreed to.

On section 22:

**Mr. Chairman:** Mr. Epp moves that section 22(1) of the bill be struck out and the following substituted therefor:

"(1) This act applies to lands owned by a municipality and to lands owned by a local board within the meaning of the Municipal Affairs Act, including conservation authorities."

Mr. Epp further moves that section 22(4) and (5) be deleted.

**Mr. Epp:** As we have discussed earlier, this act applies to private lands. It has to this point omitted the obligation by the municipality or by local boards to have their share in the settlement of these disputes. Further on, it does include conservation authorities.

We believe very strongly that municipalities, as well as the other crown agencies, should be as responsible as individuals with respect to line fences. The municipalities have a lot of land, as does the province,

and they should be included in the settlement of disputes. That is the reason for this amendment, so they will be included in this act.

**Mr. Swart:** I rise to support this amendment. I think we know this, perhaps more than any other single matter, is a concern to the Ontario Federation of Agriculture. Even the Rural Ontario Municipal Association, the one that would be involved in the cost, have come out in support of the principle that local governments should have to pay their share of line fences, the same as with anything else.

**Hon. W. Newman:** When did they do that?

**Mr. Swart:** It might be appropriate to read something for the edification of the Minister of Agriculture and Food pertaining to this. This is from the Rural Ontario Municipal Association, "ROMA report on Bill 17, An Act to revise the Line Fences Act, as endorsed by the Municipal Liaison Committee, May 1979: As requested by the ministry, the ROMA board reviewed a number of amendments to Bill 17 proposed by the NDP. After considering these amendments the board adopted a motion endorsing Bill 17 with the following changes." They include almost all the amendments we have proposed, including the one we are talking about at the present time. The wording is slightly different; we just said you delete the section. They make the positive statement. It was in response to your own ministry that they supported the NDP proposals.

When they have that feeling among the municipalities themselves, not only the rural municipalities but the Municipal Liaison Committee representing all the municipalities of this province, it seems to be reasonable, therefore, that this should be included.

The reason it was mentioned by the member for Waterloo North is that conservation authorities under the act have to accept that responsibility as is proposed. Municipalities in many instances will have parks similar to those of a conservation authority. What sense does it make if a conservation authority has to pay its share of a line fence between the authority land and a farmer's land, and a municipality would not have to make any such payment? To be consistent, a municipality should have the same responsibility.

There is a very real principle involved. The principle involved here is that a municipality, a public body, should accept the responsibility it imposes on other people. It shouldn't be exempt. If it is fair that an



abutting owner should have to pay for half of a line fence, whether that abutting owner happens to be a municipality, private owner or conservation authority, then that body should pay its rightful share.

I would ask the member for Waterloo North who introduced the motion if he would be willing to accept a slight change. Although in this party we agree with the amendment, it seems to me there should be some slight changes in it to more accurately fit the situation. I wonder if we shouldn't say, "subject to section 18, this act applies to lands other than lands that constitute a public highway," and then add the words "or unopened road allowance." It seems to me that unopened road allowances should be normally exempted, except that through section 18 you could put it down the middle of the road. Otherwise, a municipality would have to pay for its share of a fence on both sides of an unopened road allowance. I would suggest that that perhaps should be added in there.

I am just wondering if he would be willing to accept that as part of his amendment. I won't formally move it at this time as he may be willing to accept it.

**Mr. Epp:** If I may just clarify that, we have two other amendments on sections 23 and 24. I believe that my amendment for section 24, which says, "Notwithstanding sections 22 and 23, this act does not apply to any lands that constitute a public highway," would in actual fact respond to and answer the question the member for Welton-Thorold has raised.

**Mr. Swart:** I am not sure that a public highway includes an unopened road allowance; in fact I think it does not.

**Mr. Rotenberg:** I am informed that it does.

**Mr. Swart:** It does? I'll bow to the lawyer.

**Mr. Rotenberg:** Just to follow up on the latter remarks of the member for Waterloo North and just so it will be on the record, I gather that if his amendments to sections 22 and 23 carry, the member for Waterloo North is committed to putting his amendment to the new section 24 and his party supports that amendment. Is that correct?

**Mr. Epp:** Yes.

**Mr. Rotenberg:** Under those circumstances we will not oppose the amendment to section 22.

**Mr. Chairman:** Are there any further comments on the amendment?

Motion agreed to.

Section 22, as amended, agreed to.

On section 23:

**Mr. Chairman:** Mr. Epp moves that section 23(1) of the bill be struck out and the following substituted therefor:

"Except as otherwise provided in subsections 2 and 3, this act applies so as to bind the crown in right of Ontario.

"(2) This act does not apply to lands of the crown in right of Ontario that at no time have been disposed of by the crown in right of Ontario by letters patent, deed or otherwise.

"(3) Notwithstanding any other provision in this act, an award made under section 7 in respect of lands vested in the crown in right of Ontario shall not require the crown to be responsible for more than one half of a fence or to pay to the adjoining owner an amount exceeding 50 per cent of the cost of the fence."

**Mr. McKessock:** Mr. Chairman, I was disturbed when this bill came out that the crown and municipalities were not included. There is a large amount of government land in Grey and Bruce area, comprising Niagara Escarpment, Natural Resources and conservation authority land. I have also had some complaints about fence repairs to some of this land.

My feeling was that if the government is going to compete with people to buy land and become a land owner, then it must take the responsibilities that go along with owning land, the same as the rest of us. I am sure my neighbour wouldn't mind if he were exempt from the act either, but the act forces him to become a responsible land owner as far as line fences are concerned. If the government is going to be a land owner, it must not be exempt from the responsibilities.

[9:45]

This government, I believe, professes to be a free-enterprise government. If that is the case, in a free-enterprise system everybody must be treated alike. If the government is going to compete with you and me to buy land, Mr. Chairman, they must accept the same responsibilities and be responsible landowners.

**Mr. Swart:** Mr. Chairman, I support this amendment, particularly subsection 1. I regret the mover did not speak on his amendment because I'm a bit puzzled as to why he has put in the qualifications of subsections 2 and 3.

It seems to me that the crown, the same as a municipality, should have to accept its obligation, whether or not the land has ever been disposed of by the crown, I can think of many farmers in northern Ontario, particularly up around Sault Ste. Marie, who have a farm, and the boundary of that farm



is against crown land which has never been disposed of. Why shouldn't the crown have to pay part of the cost of a fence? It's not just to keep the farmer's cattle in; it's to keep other animals out. You should have the fence-viewers view that and determine what proportion should be paid by each.

It bothers me that subsection 2 is included in this and also subsection 3, which states that: "Notwithstanding any other provision of this act, an award made under section 7 in respect of lands vested in the crown and the right of Ontario shall not require the crown to be responsible for more than one half of the fence or to pay the adjoining owner an amount exceeding 50 per cent of the cost of the fence."

Once again, I could see circumstances under which the crown should pay more than one half of the cost of the fence, just as perhaps in some instances the farmer should have to pay more than one half of the cost of the fence.

What about a large provincial park? It may have been rather virgin land along a lake, with some farms in behind it, and the government has come along and bought it or used this virgin land for a provincial park. It could well be that, as happens on occasion, the people frequenting that provincial park may be doing damage to the farmer's property. The farmer was perfectly satisfied without a fence or with a very cheap type of fence, but once the park is there he needs a good quality fence. If the location of the park has caused this, it might be reasonable that the crown should have to pay more than 50 per cent of the cost. We've now established pretty clearly, 50 per cent of the cost, except in very extenuating circumstances.

That might cause the member for Waterloo North to reconsider whether in fact subsection 3—and subsection 2 for that matter—should remain here. We in this party are inclined to move an amendment to this amendment which would delete subsections 2 and 3. But perhaps before my colleague from Wentworth speaks, the member for Waterloo North would like to make some comments on this, in case there's something we have overlooked.

The principle that the crown and a municipality should accept the same responsibility as other landowners is sound, and I'd like to see it included here, in exactly the same way we included it for the municipality. Therefore, I am inclined, subject to any further discussion, to take out subsections 2 and 3.

**Mr. Epp:** Mr. Chairman, we've had a considerable amount of discussion on these lands. The lands of which we speak are those which obviously have not been sold by the crown.

In a sense they are virgin lands the crown has owned since day one, I guess.

We felt that there was no particular reason at this time to include these lands in the act. There was no compelling reason for this and as a result it was felt in our judgement that there might be expenses the crown would have to absorb, or situations they would have to get into which really weren't necessary. So it was our judgment that the crown, as far as unpatented lands were concerned, should be excluded.

**Mr. Rotenberg:** I have two very brief comments on the point from the member for Welland-Thorold. When a fence is needed around a provincial park it has been the policy of the Ministry of Natural Resources to build that fence totally at the provincial expense. Also, when a piece of land is purchased from unpatented land, usually the agreement of purchase includes an agreement with the crown for fencing.

Again, as in the previous section, on the understanding that the member for Waterloo North is going to move his new section 24, we will not oppose his amendment to section 23.

**Mr. McKessock:** Subsection 3 is really doing the same thing for the government as it is for the farmers paying 50 per cent, so I can't see any reason why that should be stroked out. The bill in the first place didn't have the government in it at all; to have them in now and paying 50 per cent is much better than not having them pay anything.

As far as subsection 2 is concerned, the lands are mainly up in northern Ontario and out of the farming area. Where this act is going to take effect mostly is in the farming areas of southern Ontario, so I can't see that binding the crown to these undeeded areas has much purpose.

**Mr. Chairman:** Mr. Isaacs moves that the amendment be further amended by deleting subsections 2 and 3.

**Mr. Isaacs:** I think the arguments have pretty well covered the amendment to the amendment I have introduced. I want to suggest to the previous speaker that if the size of the award is unlimited in terms of individual property owners, except there is guidance there that it should be 50 per cent, then why is that guidance not sufficient when dealing with crown lands to absolutely bind the fence-viewers that the award made against the crown shall be 50 per cent? It seems to me to be unnecessary.

With regard to the comments from the member for Wilson Heights, I suggest that we should not be relying on the good graces



of the government to provide fences around provincial parks. We are putting legislation in place that may last for another 100 or more years. If that is the case, and if the government of the day were to change and the Rhinoceros Party were to be running this province—

**Mr. Rotenberg:** They'll get there before you do.

**Mr. Isaacs:** —then perhaps it would be appropriate that we have this legislation specify that the award can be made against the crown to provide fences around provincial parks or around any other kind of provincial enterprise—and there are plenty of those.

So, Mr. Chairman, I really think subsections 2 and 3 detract slightly from the intent of this amendment which I otherwise fully support and I would strongly suggest that the amendment to the amendment be carried.

**Mr. Rotenberg:** I would just indicate we cannot support the amendment to the amendment and we couldn't support the bill if the amendment to the amendment carried.

**Mr. Swart:** Mr. Chairman, I wonder quite seriously whether my colleagues on the right really considered the implications of this amendment with regard to the north. There is a large area in the north where there are a great many boundaries between farmers and crown land which has never been deeded from the crown. I suggest hundreds of miles of such boundaries exist and what we are really doing if we pass this in its present form is applying one law to the farmers in southern Ontario and another law to the farmers in northern Ontario. In southern Ontario there is no crown land—or very little; I know of none; there may be some—which has not been deeded from the crown. This can be a real hardship on the farmers in northern Ontario. They have to pay for the cost of maintenance of the fence all around their farm because it is abutting virgin crown land.

Even at this late date I would appeal to the Liberal Party to change its position on this and to join with us in deleting these two subsections, because they are very, very discriminatory against certain farmers in this province and particularly the farmers in the north. I don't really think this was the intent of the amendment, but I suggest that is the application.

I repeat, if this passes those farmers in northern Ontario who abut virgin crown land will have no recourse but to pay the total cost of the fence which separates them from that crown land; they will have to pay it all themselves, and I wouldn't like to think this is the intent of the Liberal Party.

**Mr. Epp:** I want to clarify two points. One is that it is not discriminatory to the farmers in northern Ontario. Suggesting that there is no crown land in southern Ontario and therefore it is discriminatory against northern Ontario—that is not the case; there is crown land in southern Ontario.

**An hon. member:** Virgin crown land?

**Mr. Epp:** Second, this act does not preclude the province from making a settlement along a line fence with a private property owner. It only says the crown is not obligated to do so; it does not preclude, as the member for Thorold-Welland suggests, the crown from getting involved and paying their fair share and often paying—

**Hon. Mr. Welch:** It is Welland-Thorold, not Thorold-Welland.

**Mr. Epp:** I am sorry, I got my alphabet wrong. We go from W to T, rather than T to W.

It does not preclude the crown from doing so, as the member for Welland-Thorold suggests.

**Mr. McKessock:** Mr. Chairman, I would like clarification of the statement the member for Wilson Heights made about the amendment to the amendment.

**Mr. Rotenberg:** Basically, subject to a section 24 being brought forward, we will not oppose this amendment. As the member for Waterloo North indicated that a section 24 which will exclude roads from this amendment will be introduced, we will not oppose it.

**Mr. McKessock:** What about the amendment to the amendment?

**Mr. Rotenberg:** We will not support the amendment to the amendment.

**Mr. Chairman:** All those in favour of Mr. Isaacs' amendment to the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

[10:00]

On section 24:

**Mr. Chairman:** Mr. Epp moves that the bill be amended by adding thereto the following section:

"24. Notwithstanding sections 22 and 23, this act does not apply to any lands that constitute a public highway."

He further moves that the existing sections 24 to 30 of the bill be renumbered as sections 25 to 31.

**Mr. Epp:** We have had a lot of discussion with respect to this section as it pertains to



sections 22 and 23. It was felt there would be an undue burden if the lands that constituted public highway were not excluded from this act. As a result, we have moved they be excluded.

**Mr. Swart:** We, of course, have that provision in the amendments we had originally submitted and we are obviously going to support that amendment at this time. I do have another amendment to section 24 as well.

**Mr. Chairman:** Any further comments on Mr. Epp's amendment?

Motion agreed to.

**Mr. Chairman:** Mr. Swart moves that section 24 be amended by adding, after the words "subsection 1 of section 354 of the Municipal Act is enforced," the following words: "but the provisions do apply in respect of land in such a municipality which is used by any owner for agricultural purposes."

**Mr. Swart:** Mr. Chairman, we are moving this amendment because we think the situation since the original act was enacted has changed so substantially that there is no longer the arbitrary division between the urban and rural municipalities there was 30, 40, 50 or 60 years ago.

We know municipalities have the power under section 354 of the Municipal Act to take over responsibility for fences including line fences to regulate them. That section of the act applies mainly to and was intended to apply mainly to urban municipalities. It gives them the power to limit the heights of fences, particularly on corner lots. In every respect it applies to those municipalities and it is much more arbitrary than the Line Fences Act which gives either owner the right to appeal and a great many other rights.

It seems to us in this party there are farmers who live within urban communities. Certainly, since regional government has been enacted in this province there are a great many municipalities in the Niagara region and elsewhere which have a large urban core and a lot of rural land surrounding that urban core. If those municipalities such as St. Catharines pass bylaws under section 354, which gives them the power over fences, 119,000 out of 120,000 of their population are urban and it applies very well to those, but then the farmers in the rural area are deprived of the rights which are given to other farmers under the Line Fences Act.

So we feel that within those municipalities, in respect of lands in those municipalities which are used by the owner for agricultural purposes, the Line Fences Act

should apply, and that, of course, is our intention in moving this amendment. We think the farmer should have the same rights when he is farming within an urban municipality as has another farmer in a rural municipality, and this bill now prevents that from happening.

**Mr. Rotenberg:** Mr. Chairman, I will not support the amendment. I would point out that for probably the past 186 years the act has been written differently from now, in that municipalities—certainly since I can find out; since about 1854, anyway—have had the right, in effect, to use that section of the Municipal Act and it hasn't caused too much concern.

I would also point out that under the present Line Fences Act, as will be shortly replaced, municipalities have to opt into the act. Most municipalities do, because section 1(3) of the present act reads: "This act applies"—and this is my favourite Latin expression—"mutatis mutandis to unoccupied land as well as to occupied land in any local municipality the council of which has passed a bylaw declaring this act so applies."

But in what is considered to be unoccupied land—forgetting the section in the Municipal Act—the whole act didn't apply unless the council passed a bylaw. Occupied land is defined as "does not include so much of a lot as is unenclosed, although part of the lot is enclosed." So in effect, in the present act as is now the law of the province of Ontario, unless a municipality specifically passed a bylaw to opt in, the Line Fences Act did not apply on land that had not previously been fenced.

We have sort of plugged all that up and taken out the distinction between occupied land and unoccupied land.

I would also point out the amendment really is, with respect, not too well drawn, because agricultural purposes can or cannot cover a multitude of things. For instance, is a garden plot in someone's backyard agricultural purposes? I really don't think the amendment as drawn is very clear.

The main point about this is this: We have put section 24 into the act in effect to flag the fact that all this time and up until this time there has been the right of the municipality, be it rural or urban, to pass a bylaw under section 354(1)(21) of the Municipal Act. All these years they have had that right. It was never specifically mentioned in the old Line Fences Act, but all municipalities historically since 1854 have had that right. To the best of my knowledge, and to the best of our staff's knowledge, that



right has been exercised only by one municipality in Ontario and that is the city of Toronto.

I recognize that there could be an abuse by some municipalities in exercising section 354(1)(21) and in effect passing a bylaw that doesn't accomplish what we all want to be accomplished, especially in rural areas. But the place to fix that up, with respect, is not in the Line Fences Act; the place to fix that up is in the section in the Municipal Act that gives the municipalities this power. We have indicated already that in the next review of the Municipal Act, which should be around this fall, we will be reviewing that section with the possibility of changing it, abandoning it or possibly just grandfathering any municipalities in there.

I would point out to the members that we have indicated to the OFA and to ROMA that we are going to be doing this review, and they seem to want to be involved in the review. I would suggest that if, since at least 1854, this section hasn't caused too much trouble, it won't cause too much trouble for the next few months, and rather than put in an amendment which may or may not solve the problem, I would ask for the support of the House not to pass this amendment at this time but to wait until we review section 354(1)(21) and do it in the proper manner.

**Mr. Epp:** Obviously we won't support this amendment for two reasons. First of all, I agree with the member for Wilson Heights that it is very vague. It states, "but the provisions do apply in respect of land in such municipalities that is used for agricultural purposes." Any yard could be fenced and could include within its boundaries some small plots that are used for agricultural purposes. So the definition here is not very clear and I think in the long run would cause more problems than it is trying to solve.

I don't agree with the good intentions of the member for Welland-Thorold that he is trying to solve a problem here, and there is a small problem, but I think in the final analysis we are going to raise more questions and create more doubts and more problems than we are going to solve by this. We obviously will oppose the amendment.

**Mr. Isaacs:** Mr. Chairman, I am not at all clear whether the parliamentary assistant is indicating a commitment to ensure an amendment to the Municipal Act in the near future to deal with this matter, but I get the impression it is not a commitment to introduce such an amendment, it is only a commitment

to consider it. I am not at all sure that is sufficient.

As I indicated in my remarks on second reading, there is an increased number of large municipalities that include both fully urban and fully rural sections. Those occur within the 10 regional municipalities we now have in this province, and may indeed occur as regional restructuring in some form crawls across this province.

But now that the problem has been brought to the attention of municipalities and now that it has been considered by the Rural Ontario Municipal Association, and given that ROMA is supporting the amendment that has been introduced by my colleague, the member for Welland-Thorold, I suggest to the parliamentary assistant that even if things have been okay for the past 100 years, they may not be okay in the future. Even a period of four or five months may lead to difficulties in some municipalities or in a limited number of cases. That would be of concern to me.

I also do not understand how the parliamentary assistant is saying that an amendment to the Municipal Act can handle this problem, because what the amendment that my colleague has introduced is attempting to do is say that the Line Fences Act shall apply in agricultural areas whatever the actions of the municipal council may be. It is, after all, an act that is of most concern to agricultural land-users.

But if the Municipal Act is amended to say that a municipality can opt out of the Line Fences Act those parts of the municipality that are urban, but not opt out those parts that are rural, then surely that is going to be even more cumbersome, in terms of wording and in terms of the way it specifies the opting-in, opting-out process, than is an amendment in this act.

I suggest to the parliamentary assistant that we need at least some reference in this act to the fact that provisions for line fences and fence-viewers shall apply in agricultural areas regardless of what the council of a primarily urban municipality might decide to do. That is why my colleague has introduced this amendment.

**Mr. Chairman:** All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 24 agreed to.

Section 25 agreed to.

On section 26:



**Mr. Chairman:** Mr. Swart moves that section 26 of the bill be deleted and the following substituted therefor: "The provisions of this act apply with necessary modifications to land situated in territory without municipal organization and for this purpose the Minister of Northern Affairs shall exercise the powers and perform the duties and functions conferred by this act upon municipalities and municipal officials in territory without municipal organization."

[10:15]

**Mr. Swart:** Mr. Chairman, we consider this as perhaps the most important amendment that has been put to this bill because this means this act will apply to northern Ontario—to farm land in unorganized parts of this province. The bill as it is written, of course, will empower the Lieutenant Governor in Council to make regulations "to provide for determining how the costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned, and for providing for the manner in which any amount so apportioned shall be recoverable."

That leaves it entirely wide open. The Lieutenant Governor in Council and the government may do whatever they like; they need not follow any of the provisions of this act whatsoever. We suggest that the farmers in the unorganized districts in northern Ontario should have the same rights as the farmers in southern Ontario. They have a lot of disadvantages that the farmers here don't have. This amendment would provide that the Minister of Northern Affairs would exercise the powers, duties and functions which would normally be conferred on the municipalities in organized territories.

It is my understanding that the Minister of Northern Affairs has more offices throughout the north than the Minister of Intergovernmental Affairs. He now has responsibility for everything that takes place in northern Ontario and we have designated that minister under this amendment because we believe he would be the most appropriate. If the government felt that the Minister of Intergovernmental Affairs should do it, I think we would be willing to accept that recommendation. But it does appear that that is the appropriate minister to administer this act.

The issue before us in this amendment is just simply is there going to be a Line Fences Act which applies to northern Ontario. If this amendment passes, there will be; if this amendment is defeated, there won't be. It's that simple. We think the farmers in northern Ontario should have that right.

**Mr. Rotenberg:** We do agree in principle that the north should be covered under the act. The north has not been covered under the act—that is the unorganized territories, which are mostly in the north, haven't been covered under the act since 1793 when this act was first brought forward. Up until now, only organized municipalities were covered. We do believe the entire province should be covered and that unorganized territories should be brought under the act.

The problem though is what is exactly the best method to do this. Simply by designating a minister and having all the terms of the act apply does cause some problems. There is the matter of who sends out the notices, the matter of awards and so on. There are a number of different ways these could be done. Our ministry is studying this matter and, rather than leave this out of the act, since we weren't quite sure how to do it, we put section 26 in the act to give a firm indication to this House and to the people in unorganized territories that we do intend to bring them under the act.

Our preliminary feeling is that probably the Minister of Intergovernmental Affairs would be the best one to handle it instead of the Minister of Northern Affairs, but we haven't done all the studies or considered all the problems which would be brought forward by having either ministry handle this.

Therefore, I would ask the House not to accept this amendment, on the understanding that, yes, we are bringing unorganized territories under the act. We have placed section 26 in the act to indicate that this is our intention, and as soon as we are able to complete the studies as to the best way to do it—and there are some problems in just putting them holus bolus under the act with a ministry—we will be bringing forward regulations in order to bring the north completely under the act. It is a major step forward for the unorganized territories, because until now they haven't been included. We do intend to bring them in.

**Mr. Epp:** I agree with the parliamentary assistant to the minister that this is a major step forward. We believe this Legislature can take that major step at this time, and, therefore, this amendment should be supported. We believe these unorganized areas should be under a municipal structure first of all and, secondly, should be subject to this act. As a result, we will support the amendment.

**Mr. Swart:** I rise to welcome the support from the party on our right for this amendment. Although the member for Algoma (Mr. Wildman) is not with us this evening this was in fact his amendment, and is something



about which he feels very strongly. I would be negligent if I did not put on the record that the member for Algoma had initiated an amendment very similar to this when the first bill was brought in and now is very supportive of this amendment. I am just delighted that it appears that they are finally going to get a Line Fences Act in northern Ontario.

**Mr. Rotenberg:** Mr. Chairman, as I indicated we will not support the amendment. The member for Welland-Thorold indicated that if the preference was Minister of Intergovernmental Affairs rather than Minister of Northern Affairs, he would change his amendment. In case it does carry, I would ask him to change that, even though we will not support it either way.

**Mr. Swart:** I will accept that change.

**Mr. Nixon:** That's very gracious of you.

**Mr. Chairman:** Would the member for Welland-Thorold put the change on the record?

**Hon. Mr. Grossman:** My constituents are concerned about that.

**Mr. Swart:** Yes, Mr. Chairman. In view of the agreement reached between myself and the parliamentary assistant from Wilson Heights that he will support our amendment if we make that change, I will change the amendment to read that section 26 of the bill be deleted and the following substituted therefor: "The provisions of this act shall apply with necessary modifications to lands situated in territory without municipal organization and for this purpose the Minister of Intergovernmental Affairs shall exercise the powers and perform the duties and functions conferred by this act upon municipalities and

municipal officials in territory without municipal organization."

**Mr. Rotenberg:** I know the member for Welland-Thorold is being facetious. Just so the record will be clear, I did not make any agreement to support the amendment he has now put.

**Mr. Chairman:** Shall the amendment carry? All those in favour will please say "aye." All those opposed will please say "nay."

In my opinion, the ayes have it. *[SOUND OF VOTES]*  
Amendment stacked.

**Mr. T. P. Reid:** You almost fooled him.

Sections 27 to 30, inclusive, agreed to.

The committee divided on Mr. Swart's amendment to section 12 of the bill, which was negatived on the following vote:

Ayes 38; nays 40.

The committee divided on Mr. Isaacs' amendment to the amendment to section 23, which was negatived on the following vote:

Ayes 19; nays 59.

**Mr. Chairman:** Shall Mr. Epp's motion to amend section 23 carry?

Motion agreed to.

Section 23, as amended, agreed to.

The committee divided on Mr. Swart's amendment to section 26, which was negatived on the same vote.

Section 26, as amended, agreed to.

Bill 17, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendment.

The House adjourned at 10:35 p.m.



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No. 67

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Friday, June 8, 1979

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

FRIDAY, JUNE 8, 1979

The House met at 10 a.m.

Prayers.

### MEMBER'S COMMENT

**Mr. Nixon:** On a point of order, Mr. Speaker: I draw to your attention that the member for Sudbury East (Mr. Martel) has taken his place. I know you have reviewed the circumstances involving his statement directed towards me in this House. It is my strong feeling, sir, that since you named him yesterday and he withdrew from the House for the remainder of that session, the situation has not been cleared up.

The rules say that accusing another honourable member of uttering a deliberate untruth—and he called me a liar—is against the rules and, certainly, against the accepted practice of this House and any civilized group.

The fact that you have, in a form, punished him by expelling him from the House for a few hours may, in the minds of some, be sufficient. But I would bring to your attention, sir, that his statement still rests on the record of this House. I would suggest to you, as moderately but as strongly as I can, that until that statement is withdrawn it is extremely difficult for us in this House to carry on with the business as we should.

There are times in the heat of debate and argument that things are said, whether they're regrettable or not, but are withdrawn with honour so that the business of the House may progress. The member for Sudbury East has been given two opportunities by you, sir, to do that. He has refused. This, in my view, simply makes the situation more intolerable. I would suggest to you once again, as moderately but as strongly as I can, it is not a question of some sort of punishment for using an unparliamentary word of this type. It is simply a rule that the word may not and must not and, in my view, cannot be allowed to be used in this House without being withdrawn. I put that to you, sir, and it is with some deep and personal concern that I do so.

**Mr. Speaker:** The honourable member for Brant-Oxford-Norfolk has placed before the House the sequence of events as I myself recall them. As a result of the events of

yesterday afternoon, I looked myself, and I had advisers on parliamentary precedent look into the precedents, having regard for the standing orders of this House and every other jurisdiction upon which we rely for guidance from time to time.

There has been an offence against the standing orders here. I must remind the member for Brant-Oxford-Norfolk the sanctions that can be imposed by the Speaker are very limited. They're limited to the powers of suspending a member who has offended, not so much another member in this House but the rules of parliamentary procedure. So, in effect, the House has been offended by what transpired last week and, again, yesterday afternoon.

I have looked for precedents and my advisers have looked for precedents and we have come to the conclusion the Speaker's authority is restricted to that and one of suspension. That was done within the rules of the House. I suppose all I can say to the honourable member is that since the House itself has been offended, any further action will, in all likelihood, have to come from the House and not the Speaker. The Speaker has done, in my opinion and in the opinion of my advisers, everything that can be done under the existing standing orders, not only in this House, but going back to other precedents. These include Erskine May whom we consider, and have considered for a good length of time around here, the Bible with regard to parliamentary procedure.

**Mr. Martel:** Mr. Speaker, in speaking to the point of order, I would like to make several points, with your indulgence. While I made an accusation, sir, there is a rule in the rule book, standing order 19(d)(9), which says a member cannot impute false or unavowed motives to another member.

I draw your attention to an exchange that occurred in the Legislature. I only want to quote one sentence, with your indulgence. It's Mr. Nixon speaking: "I wonder if the minister could inform the House, or the members of the resources development committee representing his party, of the urgency and complexity of this matter, because his members"—and get this; this is the significant part—"because his members and members of the New Democratic Party have voted to post-



pone any consideration of this matter by the committee."

I don't know how else to say that is not what transpired. It is not even a matter of opinion, it's a matter of record. All there was on the evening, one week ago Tuesday, was a request to the committee chairman on behalf of this member to rule a motion presented by the Liberal Party out of order. The chairman of the committee ruled, after an hour's debate, that the matter was out of order. His ruling was challenged. We upheld the chairman's ruling. We then immediately moved a motion establishing a steering committee in an effort to establish the order of business the resources development committee would deal with.

That was subsequently upheld and they immediately met on Wednesday morning to consider the order of business. The member for Brant-Oxford-Norfolk came in here Thursday afternoon, almost 48 hours later, and said to this Legislature, "because his members and the members of the New Democratic Party have voted to postpone any consideration of this matter by the committee."

Sir, it's not what happened. It is not in dispute. That is imputing motives to the party across the House and to this party, that we were trying to obstruct the consideration of a matter which my friends to the right considered important. We too considered it important, and that is why the steering committee met Wednesday morning, 36 hours before my friend raised this matter in the manner in which he did.

I say to you, sir, that I do not get thrown out of this building readily. In 12 years, that was only my second time out. I don't relish it, I'm sorry.

Mr. T. P. Reid: He almost holds the record.

Mr. Martel: I want to tell you, sir, that I think it's time the Speaker might look at what transpired there and look to standing order 19(d)(9) to see if our privileges and our integrity have been kicked around, if I can use that term, by our friends to the right.

Mr. Speaker, I apologize to you and to this Legislature, not because of what I said—I'm sorry, I can't do that. I apologize because I have made everyone feel uncomfortable; I have broken the great rules this place operates by. But I cannot sit by and accept that we tried to prevent a matter being discussed, and my friends to the right saying they are the only ones who want to look at it. I remind you, sir, that it was this party that fought the great battle of uranium in Elliot Lake and they didn't join in. We didn't get involved in that.

I just say that I cannot accept what he said. I will apologize to the House for what I have said, but I will not withdraw my remarks to that member.

Mr. Nixon: With respect, may I just speak briefly, Mr. Speaker? I'm sure you are aware we could have a lengthy, perhaps interesting, debate as to what the importance of the course of events referred to by the member for Sudbury East actually entailed. I don't intend to involve myself in that at this time at all. There may be another occasion, but I doubt it.

[10:15]

Mr. Speaker, if you feel that something on my part was imputing motives, then it is obviously up to you to rule on it. It may or may not be brought to your attention by one of the other members. That is entirely your business. Then I will respond, as I see fit, when that is brought to my attention.

With respect, I would put to you that what the honourable member has said is completely unsatisfactory at this stage. An apology to the House is one thing, but the business of the House must surely consider the position I find myself in and, really, it is a very difficult position indeed.

Hon. Mr. Davis: Speaking to the point of order, I hope I can be relatively objective in that we are not involved in this dispute. I listened to the arguments and I think the member for Sudbury East is correct. It is uncomfortable for all of us in the conduct of the affairs of this House. There are occasions when, as the member for Brant-Oxford-Norfolk has said, we are on occasion provoked into making statements which, on reflection, we perhaps question. I may have done this on occasion myself. I can't recall any occasion, but I may have done so.

As I understand the rules of the House, a member is entitled to say another member has made a mistake. It is quite proper for the member for Sudbury East to say to the House that in his view the member for Brant-Oxford-Norfolk is in error. This is said to us five days a week and on weekends. I think that is quite proper. I would say with respect and perhaps with some personal urging to the member for Sudbury East that it is one thing to say an honourable member is wrong and that he has made a mistake—which in this case could be right; I don't know, I wasn't at the committee. It is another thing to suggest that he is not telling the truth.

I wonder if in some way the member for Brant-Oxford-Norfolk on reflection perhaps felt he was in error and if he then were to



suggest maybe he had made a mistake, and if the member for Sudbury East were then to say, "I made a mistake in suggesting the member for Brant-Oxford-Norfolk was not telling the truth," to me this would perhaps be a potential resolution to the problem. I would hate to see this hanging over us for the next three or four days.

Mr. Speaker, your interpretation of the rules is correct. I am not sure there is anything further you can do under the precedents of this House or any other parliament. I would be very reluctant to have this become a matter for the House itself to deal with. I am just suggesting that if it is possible for those two honourable members to suggest that maybe one was in error and the other was in error in saying that the other wasn't telling the truth, because it was in fact an error and not any attempt to tell something other than the truth, we would have perhaps a solution to this problem.

Mr. MacDonald: Before you reply, Mr. Speaker, the Premier's comments compel me to rise. I have been thrown out of this House only once. Ironically, it was the day after my celebrating my 20th anniversary in the House. It was totally unplanned and I want the House to recall why, because it has a relationship to what has happened here.

I had raised with the then Minister of Agriculture and Food on a number of occasions statements he had made with regard to the bankrupting of BC because of its farm income stabilization plan. I got a letter from the Minister of Agriculture in BC indicating that that simply wasn't the case. I read the letter in the House. I said to the Minister of Agriculture and Food: "If you continue to repeat that statement across the province of Ontario," which he had been doing ad nauseam, "it will be tantamount to a lie," which I suggest to you, Mr. Speaker, was totally and wholly a factual statement beyond challenge. It would be tantamount to a lie because I had provided the evidence to show it wasn't the truth.

I was thrown out of the House because I had used that little dirty word "lie." I had said it was "tantamount to a lie," if it continued to be repeated.

I draw to your attention, Mr. Speaker, the parallel that is emerging now. The member for Sudbury East is convinced that what the member for Brant-Oxford-Norfolk said was not what happened in the committee. The member for Brant has repeated it, repeated it and repeated it. The member for Sudbury East says a repetition is tantamount to a lie, because it is not what happened in the committee.

Mr. Bolan: With you it's either black or white.

Mr. MacDonald: There is no black or white. If a statement that is challenged repeatedly and then described as a lie is not the truth, it is a little precious that we in this House should suddenly use the use of the word "lie" as a trigger word and automatically the person is thrown out of the House.

Mr. Speaker, if you are going to review what the powers of the Speaker perhaps should be, beyond just naming the member and sending him out if he does not withdraw it, I suggest there has to be some mechanism for examining the validity of the contention.

Mr. Bradley: In other words, we're all allowed to call each other liars?

Mr. MacDonald: The proposition that a person should be thrown out of this House for describing an untruth as a lie, I repeat, is precious.

Mr. Cunningham: You've been here too long.

Mr. MacDonald: When you've been around here for a little while, you'll learn some of the facts.

Mr. Breithaupt: Mr. Speaker, I regret that the member for York South has presumed that the definition he would place on a certain word, or how it might be dealt with, has been raised in a way that I think somewhat clouds the issue.

It would appear to me that one of the things a member may not do, as is cited in item (d)10 of rule 19 to which reference has been made, is charge another member with uttering a deliberate falsehood. That is, I believe, simply a statement which every member in this House, all of our guests and those in the galleries understand.

Uttering a deliberate falsehood is lying; if that word is used, it must be withdrawn if we are to have any semblance of continuing order in this House. If that rule is broken, then the matter of using insulting language—in item 11—or speaking disrespectfully of Her Majesty or of others in authority—in item 12—or whatever it may be, will all come apart. We will have lost whatever civility we could hope to have in this House.

It is regrettable, just before the adjournment of what has been a lengthy and certainly a demanding session, that items like this have to come forward to strain the balance of goodwill that exists in the operation of this Legislature.

If I had to accept the view that words once used in that way must not be withdrawn, I for one would be very disappointed



in the operation of the Legislature. It would be a disappointment which perhaps is beyond the ability of the Speaker to sit in judgement upon but one which I would hope all members would personally share.

To continue in this impasse is an embarrassment to all of us. If the member for Sudbury East believes, as he quite clearly does, that the member for Brant-Oxford-Norfolk was wrong, was in error, was inadvertent in his view of what went on in committee, was inaccurate, whatever it might be, that is fine. But to say that he believes the member for Brant-Oxford-Norfolk lied—as he said—is in my opinion, I regret to say, not an acceptable way of conducting parliamentary practice.

It is not just the use of one word, as the member for York South has said. It is a concept, the acceptance of which is going to be very destructive to the future of the House. I would certainly hope, in what experience I have had in this Legislature, that the member for Sudbury East would withdraw his remarks so the matter could come to an end. Those who wish to write a book on the subject and peruse the details of what was said in Hansard or in committee will be at liberty to do so, but at least the work of the House will be able to continue.

**Mr. T. P. Reid:** Mr. Speaker, I just want to make two or three points. One is to remind all of us that the remarks that have been made have been directed to all of us and it is the assembly that is being held somewhat in contempt by the remark of one honourable member but, in fact, it reflects on us all. You indicated, sir, in your ruling that you had looked through Erskine May and the standing orders and found that what had been done yesterday was to the full extent of your authority. But, I would say that you were looking at the precedents, as I understand, and I would draw your attention to page one of the rule book, item 1(b) which states: "In all contingencies not provided for in the standing orders, the question shall be decided by the Speaker or chairman and in making his ruling the Speaker or chairman shall base his decision on the usages and precedents of the Legislature and parliamentary tradition."

Sir, I have been in the Legislature now for 12 years. There have been many occasions when, in the heat of battle, one honourable member has accused another of deliberately misleading the House or has called someone a liar. It is my own personal recollection that there was not one single occasion during that time, or as far as I have been able to check before that, when such a remark was made that it was not withdrawn by the honourable

member at some point or other. I stand to be corrected but certainly in the greatest number of cases, at least, that I can recall, that charge has been withdrawn.

**Mr. MacDonald:** You are wrong.

**Mr. T. P. Reid:** I would suggest, sir, that while I may be wrong in one or two isolated incidents, if we accept your ruling, sir, and the member for Sudbury East does not withdraw, we, in fact, are setting an extremely dangerous precedent for the future whereby any honourable member can break the rules, call any other honourable member any particular name, get himself thrown out and return the next day.

I say to you, sir, that I believe this to be an extremely dangerous precedent and one that we should not allow to happen.

**Mr. Renwick:** I rise with some considerable reluctance but my understanding is that the matter has been now transmuted into a challenge of the ruling of the chair by the Liberal Party. If the member for Kitchener or the member for Rainy River wish to challenge the ruling of the Speaker that the rules of the House have been complied with, will they please say so and not continue to exacerbate the situation. If they want to challenge, there's a procedure for challenging the ruling of the chair.

**Mr. T. P. Reid:** If I may, I am not challenging the ruling of the chair—

**Mr. Speaker:** Order. The honourable member—

**Mr. T. P. Reid:** —I am only asking that the member for Sudbury East would do the honourable thing.

**Mr. Speaker:** I have listened with a great deal of interest to what has been said and I want to thank all honourable members who have contributed their views and their sentiments on this impasse.

The explanation given by the member for Sudbury East I find doesn't help me one bit, inasmuch as he bases the reason for his action on something that happened elsewhere, in a committee. It's not within my purview, as the Speaker, to decide what happened or what did not happen, or to place an interpretation on events and happenings elsewhere.

I don't think you would want the Speaker to intervene in something that took place in a committee and the problem we are facing now is a difference of opinion between two honourable members of this House about something that happened elsewhere. I hope members appreciate that the chair can't be, nor would you want it to be, involved in deciding the right or the wrong or the proper interpretation of something that happened



elsewhere. So I find that the explanation or the intervention by the member for Sudbury East does not help me one bit.

[10:30]

In the generosity of spirit demonstrated by all honourable members around here almost all of the time, I thought the contribution made by the Premier offered a solution to the problem. We do have differences of opinion. This is the place for airing those opinions. Quite often they are quite divergent, even with the same set of facts. The kind of conclusions drawn from the same set of facts can be diametrically opposed; we appreciate that. But it requires civility, it requires a certain generosity, and the only thing I can do is see that the rules of the House are lived up to.

I can only remind the member for Sudbury East that the rules of this House have been offended and ask if the honourable member does not wish to reconsider, in the interests of having an orderly House, so that we can leave here at one o'clock today, saying, "It was resolved; there was an accommodation made," and so that we can come back here on Monday, saying, "It is business as usual. We feel a lot better about it."

Just to repeat what I said earlier: If you wish the chair to intervene any further, these are your rules, they are not mine; I interpret them to the best of my ability. My advisers have concurred that there is nothing I can do at this point, and I have nothing further to say.

**Mr. Nixon:** If you will permit me, Mr. Speaker, you indicated in your comments that you felt the Premier had offered a solution. I listened to the Premier carefully, as I did to the other people who expressed their views. He indicated that perhaps if there were a withdrawal from myself, as the member for Brant-Oxford-Norfolk, it could be followed by some sort of withdrawal from the member for Sudbury East. I say again, I am prepared to withdraw any terms, sir, that you felt were unparliamentary or incorrect, and I do that without equivocation.

You also said, in your first reference to this, at the time the member for Sudbury East left the House, that we must presume—and I will tell you, sir, in this particular instance you are, as usual, entirely correct—that we must presume a member believes he is saying and doing the proper and correct thing at the time. However, the use of the word "liar" is something entirely different. Without feeding that particular fire, I assure you, the member for Sudbury East and all others that if there was some reference in my question or some action in a committee which

was incorrect or unparliamentary, I withdraw those comments and apologize for them.

I have already said to you, sir, that having searched my mind and not being brought to order for imputing motives or any other matter, I am and was satisfied that those positions were correct. But if I have offended an individual, then certainly I do not want that offence to continue, because I agree with my colleagues who have indicated clearly the business of this House will otherwise either disintegrate or begin to disintegrate.

How can House leaders consider the business of the House in the future, how can we meet with the special committee of the election expenses group to consider these matters, when one member has said another is a liar and will not withdraw it? Surely your advice to us all to settle this—and this was probably our last opportunity so to do—must not be allowed to slip past.

**Mr. Cassidy:** Mr. Speaker, I share the concern that originally provoked this matter on behalf of the member for Sudbury East, and that is that we were finding great difficulty in working out a means by which we could bring to the attention of the House, and get corrected, information which was wrong or incorrect. If I hear the member for Brant-Oxford-Norfolk correctly, he is now saying that the information he gave to the House was wrong and he is prepared to withdraw that.

Interjections.

**Mr. Speaker:** Order. That is not what I heard and I am sure that is not what the honourable member intended to say.

If members are going to make any reference to anything that happened outside the House, I must reiterate it is not within my purview to settle it. I hope members will restrict their remarks to the thing that is distressing the House here this morning, as opposed to something that happened elsewhere.

**Mr. Cassidy:** Point of order, Mr. Speaker: In the House the member for Brant-Oxford-Norfolk made reference to what had happened within the committee. He has just said if there was anything he said in the House which was incorrect or unparliamentary, he is prepared to withdraw it.

**Mr. MacDonald:** And he imputed motives.

**Mr. Cassidy:** When I said just now does that mean he is prepared to say he was wrong, there was a great uproar on behalf of the members of the Liberal Party.

**Mr. Breithaupt:** That's because you didn't understand.



**Mr. Cassidy:** It seems to me, as the Premier has suggested, if the member for Brant-Oxford-Norfolk is prepared to correct a statement he made in the House last week, which started all this off—

**An hon. member:** Either you can call a member a liar or you can't. That's the question, right there.

**Mr. Cassidy:** —and to state that it was incorrect, at that point he opens the door for my colleague from Sudbury East to also clear this matter and allow us to get on with the regular business of the House. I call on the member for Brant-Oxford-Norfolk to proceed with what he appeared to offer to do just a minute ago.

**Mr. Nixon:** Mr. Speaker, my statement is clear. You are the person who is the judge. There really can be only one other speaker and that is the member for Sudbury East. If he does not choose to speak, I would suggest we proceed with our business.

**Hon. Mr. Davis:** Come on Elie; just say he was wrong.

**Mr. Martel:** Mr. Speaker, I have listened carefully to the Premier and I have listened carefully to my friend from Brant-Oxford-Norfolk, and the thing that disturbs me and that I ask you to look to, is item 9. I am not asking you to look at what transpired outside but what was said in this Legislature. What was said in this Legislature is what I consider to be erroneous. That is, "because his members and the members of the New Democratic Party have voted to postpone any consideration of this matter." That was said in the Legislature, and that did not happen.

**Mr. Rotenberg:** Say he's in error.

**Mr. Martel:** How do you expect me to withdraw? It was very deliberate; he was in the committee with us.

**Hon. W. Newman:** Be a man for a change; try and be a man.

**Mr. Speaker:** Order.

**Mr. Martel:** I would prefer to be kicked out every day than to withdraw—

Interjections.

**Mr. Speaker:** Order. I have already said I cannot, nor will I, discuss anything or place an interpretation on what was done or said elsewhere, or place an interpretation in this House of something that was done elsewhere. There is nothing more I can do. Any other action will have to be taken by others than this chair.

#### FRENCH-LANGUAGE EDUCATION

**Mr. Roy:** Point of privilege, Mr. Speaker: My point of privilege involves the question

I raised on Tuesday last with the Minister of Education (Miss Stephenson). She will recall I asked about the position taken by the four school boards in the Ottawa-Carleton area pertaining to the creation of her French-language board.

Reporting on the discussions that had taken place, the Ottawa Citizen quotes the member for Carleton (Mr. Handleman) as having said, "The only reason the four boards in Ottawa-Carleton voted in favour of a French board was that French-language education is a nuisance." He went on to say, "Their motives for wanting a French board are not altruistic; they just want to get rid of French-language education."

I checked with the chairmen of the four boards in the Ottawa-Carleton area and all four chairmen deny these statements, saying they are complete fabrication. They say the statements by the member for Carleton are untrue.

Having made these statements, I think it important that the member for Carleton know that such statements are an insult not only to the members of the board, but also to the parents and children—French- and English-speaking—in the Ottawa-Carleton area who are involved in this program. I would think the member should apologize to the members of the board, as such statements are an embarrassment to all of us, including, I am sure, the members of his own party.

In these circumstances I think if the member has any honour he should withdraw and apologize to the members of the board. Otherwise, I think he is really raising questions about his ability to represent one of the Ottawa-Carleton ridings.

**Mr. Speaker:** It is usually customary when a member has something of that nature where he calls into question a statement by another member, to do that member the courtesy of withholding comment until he is present, so we may get both sides of the situation. There is nothing the chair can do under these circumstances.

#### STATEMENTS BY THE MINISTRY

##### DISCOUNT PRACTICES

**Hon. W. Newman:** Mr. Speaker, in compliance with your request yesterday, I have an answer to a question which is rather lengthy, so I will do it as a ministerial statement.

The member for Kent-Elgin (Mr. McGuigan) asked me two questions about two weeks ago and I would like to answer them. He has referred to press reports concerning the inquiry into discounts and allowances.



As I have already indicated, staff of my ministry are attending the royal commission hearings and if it appears that any of my ministry's regulations are being broken, appropriate action will be taken. The apple commission was notified by the Farm Products Marketing Board immediately of the gist of Mr. Warnock's comments at the inquiry. Later, the actual transcript of the comments made by Mr. Warnock, president of M. Loeb Limited, was forwarded to the apple commission for formal comment.

I will be receiving a report from the Farm Products Marketing Board as soon as the board hears from the apple commission. Apparently there was some delay in getting the full transcript, and this has now been looked after.

The member raised a supplementary question concerning the sale of juice apples by apple packers. I am sure the member is aware that for the sale of fresh apples to packers, growers make their own contracts with the packers. The terms and conditions of a contract are strictly between the buyer and seller. The commission is not involved in the arrangements being made. The contract is for the sale of fresh apples and any apples culled are a byproduct.

Culling is an expense to the packer. The price recovered from apples sold for juice will often do no more than offset the expense of handling. If a grower believes he should receive compensation for culled apples, it is his responsibility to make such arrangements with the packer at the time of contracting. Most if not all growers are aware of this part of their contract with packers.

The apple commission, including directors and committeemen, met recently and decided against changing the present method of contracting. There have been no direct complaints to the apple commission from producers, or raised by directors to the commission. The Farm Products Marketing Board has received no complaints.

However, the commission will be holding local meetings in each of the districts prior to its annual meeting in July. If the member believes other growers share his concern, he should raise it at these meetings with the producer-directors of the apple commission.

Marketing boards are set up and run by producers in a democratic framework. If producers, like the member for Kent-Elgin, believe changes are necessary, it is within their power to make them. So far, apple producers apparently do not feel the need for the changes the member for Kent-Elgin would seem to suggest.

#### VALENTYN MOROZ

Hon. Mr. Davis: Mr. Speaker, with the indulgence of the House because of the other issue that took some time, I thought I would presume to make a brief observation and introduce a very distinguished person to the members of this House.

[10:45]

I think we in our own province and throughout Canada really do cherish our freedoms and the opportunities they provide to us, both for ourselves and for our families to grow and to realize our goals and potential. I think that is why we can all feel sympathy and concern for the millions of people behind the Iron Curtain and elsewhere where freedom of assembly, freedom of opinion, freedom of religion and freedom to dissent are really mere illusions which are betrayed in day-to-day oppression and lack of respect for human dignity. That is why we all understand and hold great respect for those very noble individuals whose humanity and love of freedom and dedication to human dignity transcend everything else.

In your gallery today, Mr. Speaker, we are honoured with the presence of such a man. Valentyn Moroz is a symbol of freedom, civility and dedication. Recently released from the Soviet Union, Mr. Moroz is visiting our country to thank the thousands of Canadians who worked in so many ways to help bring about his release from the Soviet Union and the prisons he knew and endured for so many years.

He is a constant reminder of the importance of public pressure, pressure to secure and advance international human rights. He is also a reminder to all of us of the need for constant vigilance to preserve the freedoms which we in this particular country enjoy and perhaps too often take for granted. As long as the human rights of individuals are threatened anywhere in our world, and as long as the cultural, the religious and political freedoms of any human being are constrained, then the freedom of all of us to live in freedom and dignity is jeopardized.

Valentyn Moroz is a man who has placed human dignity above everything else, including his personal safety. The Ukrainian community of Ontario is especially proud of his efforts, but I know that all Ontarians join the members of this Legislature today in extending a very warm welcome to our distinguished guest.

Mr. S. Smith: Mr. Speaker, I wish to address a few remarks on this occasion and in respect to this hero, this fighter for freedom



of people throughout the world, I would like to address some in his native language.

(Translation:)

As Leader of the Opposition and the Ontario Liberal Party, on behalf of myself and my colleagues, I welcome you, Mr. Moroz, to our province and to the free world.

(End of translation.)

I want to say that today is a very important day in my life because of the visit of Valentyn Moroz. This is a man who has spent a third of his life in the most dreadful of Soviet prisons for no crime other than to be a historian who believes in the nationality of the Ukraine and who believes that people should be free to express their view of history and should be free to tell their fellow citizens of their origins and their past and to help them aspire to a free future.

He has been treated to the worst indignities imaginable. He has been sent to the worst prisons in the Soviet Union. Psychiatrists acting in the employ of the state have been used to try to create a form of imprisonment under the guise of treatment or diagnosis, and yet he has survived, and his spirit has survived. The efforts of people throughout the world to secure his freedom have finally paid dividends.

Everyone is honoured by having in our presence a man who has suffered more than any of us have ever suffered or should ever have to suffer. He has done so for us, not just for the people of Ukraine, but for everyone who believes in dignity and in freedom. We are greatly honoured, every one of us, that he should be with us. I think we should pay tribute to those hundreds of thousands of people of Ukrainian origin and of all other origins who fought so hard for his release.

(Translation:)

I wish you every success, Mr. Moroz, in your difficult task, but may we both live to see a free Ukraine.

Long live Ukraine.

(End of translation.)

Mr. Makarchuk: Mr. Speaker, in one of Canada's other non-official languages, I want to say:

(Translation:)

Valentyne Moroz, I was appointed by the leader of my party (Mr. Cassidy) and my colleagues to welcome you to the Ontario Legislature.

We have 125 members and three political parties, which do not on occasion agree with each other. Despite that, this parliamentary institute stands and works, and democracy works.

I know and all other people who are members of the Legislative Assembly know about your life under oppression. We also know how you fought for the Ukrainian people and how you have suffered for that under the Soviet authorities. At the time when you were locked up, my colleague, the member for Parkdale (Mr. Duksza) and other members were sending telegrams to the Soviet authorities demanding your freedom. We are very happy, therefore, that you were able to come to Canada and be with us today.

Finally, I and all the other members of the Legislature wish to extend to you best wishes in all your endeavours in your life.

(End of translation.)

Mr. Leluk: Mr. Speaker, as a member of this Legislature and a Canadian of Ukrainian heritage, I'm very pleased to join with our Premier and the opposition parties this morning in welcoming our distinguished guest, Mr. Valentyn Moroz, in the Ukrainian language.

(Translation:)

Mr. Moroz, as a Ukrainian member of the government of Ontario it is a great pleasure to welcome you to the great, free land of Canada.

We of Canadian-Ukrainian heritage cannot express in mere words our feelings to you for the amount of pain and suffering you experienced for the rights and liberties you believed in and the cause for which you would not give up.

We are very happy that you were freed from the clutch of Moscow and that you are now here in this country. Our prayers to God go with you in the undertaking of your great work to further the cause of all the Ukrainian people.

We wish the best for your wife and daughter and hope you will soon be reunited with them. May the good Lord bless you.

(End of translation.)

## ORAL QUESTIONS

### HANDICAPPED PERSONS' RIGHTS

Mr. S. Smith: Mr. Speaker, I have a question of the Provincial Secretary for Social Development, if I might just have her attention for a moment.

In Hamilton, there is a young lady by the name of Emily Seigel who has multiple sclerosis and has worked as a secretary-bookkeeper with a particular store. She has just been fired, and it's her contention that she was still quite able to do her job. She wants to know what recourse she has, to whom she might appeal to indicate the fact that she is capable of doing the job and to rule on



whether or not she has suffered discrimination.

This is a case very similar to that of Mr. Morrissey, the diabetic teacher who was refused employment in Sudbury, I believe, and the case of the truck driver which, of course, comes under a different act that I discussed with the Minister of Transportation and Communications.

What shall I tell Mrs. Seigel? Is there any recourse? How can it be that in the province of Ontario, two years after the model Ontario Human Rights Code was propagated here and brought to our attention there appears to be no legal recourse for a person of this kind?

**Hon. Mrs. Birch:** Mr. Speaker, through you to the honourable member, I am as indignant as he is to find that in this day and age there is not that degree of understanding amongst those who do employ handicapped people. Of course, there is the recourse to the Ontario Human Rights Commission, but I would like to take this on in a very personal way. If the information can be directed to me I will certainly see what can be done to ensure that this kind of thing will not continue to happen to those people who suffer any degree of disability.

**Mr. S. Smith:** Recognizing the humanitarian concern of the minister, is she unaware that the human rights commission has no standing in matters of this kind because, in this day and age, her government has still not brought forward the amendments to the Human Rights Code promised for years now which would give the human rights commission some reason to look into these matters and some power to compel that the person be rehired in an instance where it turned out that the person was discriminated against?

Why must we wait in the cases of both Mr. Morrissey and Mrs. Seigel? Why must we wait any longer in Ontario before debating amendments to the human rights code in this House which would make it absolutely illegal to discriminate against a person based on a handicap when that handicap has nothing to do with the ability to perform a given job?

**Hon. Mrs. Birch:** I think we're all eagerly awaiting that day when it is enshrined in the human rights code that, indeed, there will be no discrimination against any handicapped person in this province.

**Mr. Warner:** Bring in the amendment. It's the minister's job to bring it in.

**Hon. Mrs. Birch:** As the member knows, the ministry is considering recommendations

and, hopefully, they will be brought forward in the very near future.

**Mr. Warner:** The minister sounds like a member of the opposition.

**Mr. McClellan:** The minister says, "In the near future." Mr. Speaker, we had the report *Living Together*, I think, two years ago. Let me ask the minister to give the members a simple and unequivocal commitment here today that the very first piece of business in the fall session will be the amendments to the human rights code which have been promised, and promised and promised and never delivered?

**Mr. S. Smith:** Why wait until then? What about bringing them in on Monday?

**Hon. Mrs. Birch:** Mr. Speaker, the honourable member knows I'm in no position to give any such commitment.

**Mr. Sweeney:** Mr. Speaker, because of the nature of the reference, may I redirect a supplementary to the Minister of Education?

Through you, Mr. Speaker, to the minister: Does she intend to take any action with respect to the decision concerning Richard Morrissey given that a school board and a teaching position are involved?

**Hon. Miss Stephenson:** Mr. Speaker, it is my understanding, as a result of attempts to investigate this matter, that the school board itself has not dealt with the problem at this point. It will be dealt with by the board at its first meeting next week. This has been a personnel policy established by the personnel staff of the board and it has not been, in fact, addressed by the board itself. It will be, I think, on Tuesday of next week.

We have asked for further information about the problems which, apparently, this young man is having in terms of whether there is any reason to suspect that the potential problems with his vision, and which I gather was the matter concerning the personnel officers most acutely, could or would impede his capacity as a teacher.

[11:00]

**Mr. Cassidy:** Supplementary: I would like to redirect the question asked of the Provincial Secretary for Social Development to the Premier. Will the Premier undertake that either now or as the first piece of business in the fall, we will have before us the amendments to the Ontario Human Rights Code for which we have been waiting for two years?

**Hon. Mr. Davis:** Mr. Speaker, there is a lot of redirecting going on this morning.

**Mr. di Santo:** But no commitments.



**Hon. Mr. Davis:** I think the Provincial Secretary for Social Development has already answered that question.

**Mr. Warner:** Yes, she'll do nothing.

**Hon. Mr. Davis:** She didn't say that.

**Mr. Warner:** But she will do nothing.

**Hon. Mr. Davis:** I thought the member would have learned a little something from some of the discussions earlier today; I thought perhaps he might have learned something from the things that were said.

**Mr. Warner:** I learned a lot. I learned that you won't do anything to amend the human rights code.

**Hon. Mr. Davis:** Don't say to me that the provincial secretary said nothing, because that is not what she said.

**Mr. Warner:** She will do nothing.

**Hon. Mr. Davis:** She did not say that.

**Mr. Warner:** She did not make a commitment to bring in the legislation.

**Mr. Speaker:** Order. Will the member for Scarborough-Ellesmere just be quiet?

**Mr. Warner:** "Be quiet" is better than "resign."

**Hon. Miss Stephenson:** Resign.

**Hon. Mr. Davis:** This question really had been asked previously as well, if memory serves me correctly. The very excellent document that was read to members of this House a short period of time ago contained references to proposed amendments.

**Mr. McClellan:** An historic document. We remember it well.

**Hon. Mr. Davis:** Those amendments will be forthcoming.

**Mr. Warner:** When?

### GM SETTLEMENTS

**Mr. S. Smith:** I have a question to the Minister of Consumer and Commercial Relations, stemming from his comments regarding the General Motors of Canada Limited engine matter and how this minister certainly wasn't "going to sell the consumer down the river," and so on and so forth. He may not have sold consumers down the river, but he has left them precious little with which to paddle.

May I ask the minister why it is he prefers to have the individual consumers clog the courts with 1,100 individual law suits and why they should have to go through the expensive, difficult and costly process of taking on this giant corporation one person at a time? Why has the minister not instead instructed his director to take action against the company to obtain restitution on a mass

scale for all those who have purchased these engines under false pretences? Why has he not speeded up the class action matter in Ontario, given the fact that would be by far the best way to proceed and yet he knows no substantive class action has ever won in Ontario because of the fact it is so difficult to proceed under the present rules?

**Hon. Mr. Drea:** Mr. Speaker, I must inform the Leader of the Opposition he is badly mistaken. There is a rather substantial case which has been affirmed by the Court of Appeal in Ontario. His Lordship, Mr. Justice Dubin, was one of the justices in the Firenza case, and the court certainly did exactly what the member said it didn't do. I commend that case to the member.

**Mr. S. Smith:** I know the case very well.

**Hon. Mr. Drea:** Why would you say a thing like that, if you know the case very well?

To come back to the original question, the member might bear in mind that the 10 Attorneys General of Canada—each provincial Attorney General—discussed this matter and had a common position. They were all being asked to sign this immunity from any action for General Motors. At that time the financial end of the matter was being negotiated by my director, but notwithstanding that, the Ministry of the Attorney General had the overall direction. That's why we didn't enter into things.

In terms of what we may do in the future: The member may have put his finger on what I may or may not do. I will tell the member this. We are not going to get into the same situation as the United States, where New York state peddled early for a very minor amount and then some other states came along and peddled for a higher amount. I believe California is now in exactly the same position as we are.

With regard to the remarks I made yesterday about the individual owner, all I am saying is that the individual person who bought such a car, notwithstanding what we have done to this point and notwithstanding what we may do in the future, is in no way precluded from taking any action whatsoever. He may decide that the compensation being offered by General Motors is not sufficient. Indeed, we are very concerned.

What happened to the person who had to have that Chevrolet engine in the Oldsmobile car constantly repaired? Who is going to pay for that? The remainder of 36,000 miles isn't going to pay for it.

So there are a great many areas. In no way, shape or form are we suggesting that each one of these people go into the courts.



The member is quite right; it would clog them up. But if they want to, surely the Leader of the Opposition isn't suggesting to me or to my colleague the Attorney General that we preclude them from doing it. We can't.

By the same token we are not going to give General Motors of Canada immunity from trying to peddle a no-name car under the name of Oldsmobile, Buick or Pontiac.

**Mr. S. Smith:** By way of supplementary, of course General Motors should not be given immunity. But why stop there? Why doesn't the minister protect the 1,100 owners by taking action such as he says I might have put my finger on—I am not sure what he means by that. Why doesn't he have his director take action on their behalf to obtain restitution?

Second, why does he not speed the matter which was referred, I believe, from the Attorney General to the Law Reform Commission—the matter of improving the possibility of class action in Ontario? Surely he is not satisfied with the present situation which, according to Professor Jacob Ziegel, the consumer law expert, has never succeeded on a substantive basis in Ontario. Why does he not speed that matter so that the 1,100 people who have those engines will be able to take action as a unit rather than one at a time?

**Hon. Mr. Drea:** I thought I explained that. First of all, until very recent times, the Attorneys General of the 10 provinces had a common front. They were handling the matter. I said we were negotiating and dealing with General Motors on the economic side—I will say it for the third time—because the Attorneys General of the 10 provinces of Canada were deciding a common approach against General Motors on the issue.

In terms of class actions, I don't buy Ziegel any more than I buy a lot of people. But I would also suggest the matter of class actions for people or consumers in general is a matter for the Ministry of the Attorney General, not for this ministry. I don't think the honourable member is suggesting I can change the law.

To put it very clearly, and I hope this meets the concerns of the Leader of the Opposition, neither I nor my director of business practices is satisfied with the offer of compensation General Motors has made. We do not think it meets the needs of the 1,100 people we know of. The Attorney General, even this morning, has informed me that under no circumstances will he, as Attorney General, ever sign that document. Under no circumstances will I ever sign a secondary

release, and finally under no circumstances will the Attorney General, in his capacity as Solicitor General, sign that document.

What that means is General Motors had better come in to see me and see that what they are going to do for those people is acceptable. If they don't come in, we will do something that will get pretty swift justice for the 1,100 people.

**Mr. S. Smith:** What? What are you going to do?

**Hon. Mr. Drea:** You knew that before you asked the question.

**Mr. Renwick:** Would the minister clarify for the House the nature of the grant of immunity General Motors has requested, apart altogether from the civil aspect of it? Is this an intrusion into our jurisdiction of the American practice of a grant of immunity from prosecution, both criminal and quasi-criminal, that was asked for? Would the minister, or his colleague at the minister's request, table the form of the document setting out the immunity that is requested so we can look into the matter?

**Hon. Mr. Drea:** Mr. Speaker, I am not a solicitor, but they have asked for three things: one of the releases I would have to sign is that we would never investigate; second, the Attorney General has to promise in the bulk of his release no criminal or quasi-criminal prosecutions, and then in the last paragraph it says no civil—

**An hon. member:** This is blackmail—nothing but blackmail.

**Mr. S. Smith:** You can't assure that anyway.

**Mr. Speaker:** Order, just ignore the interjections.

**Hon. Mr. Drea:** That is what I said yesterday. That is what they have suggested—not only suggested; it has been typed and sent to us. As a matter of fact, they don't even give this minister his right title. They treat the whole matter with an air of aloofness. It is sent to the Minister of Consumer and Corporate Affairs, because they presume this is the title used by most ministers across Canada, so we can fill in the blanks.

I presumed somebody might very well want these documents tabled. The Attorney General, I understand, released certain correspondence yesterday. There is a letter of March 23, 1979, from General Motors of Canada directed to both myself and the Attorney General which sets out the proposal in detail. Incidentally, it comes from a gentleman who calls himself their director of government relations.



Then there is the "Minister of Consumer Affairs" document and another document from the Attorney General to fill in the blanks. There's another one for the owner and there's the final release. Would that be sufficient for what the honourable member wants?

**Mr. Renwick:** For the time being that would be quite adequate. I think it probably would answer my question.

#### NANTICOKE CONTRACT

**Mr. Cassidy:** I have a question for the Minister of Industry and Tourism which relates to the government's buy-Canadian policy and relates in particular to what the minister told me back on May 31, when he said, "If you have evidence to the contrary," that the 10 per cent procurement policy has been violated, "I would like to receive it."

I have now had a chance to look at a submission by Canadian Applied Technology with reference to the rejection of their tender for the Nanticoke equipment which was raised in the Legislature yesterday. They point out specifically that their project was 82 per cent Canadian content compared to 30 per cent for the project that came from Texas. They point out specifically that the evaluation committee which rejected their submission on technical grounds made a visit to Radian in Texas, a company that had not done business in Canada with the ministry before.

**Mr. Speaker:** Could the honourable member frame his remarks in the form of a question?

**Mr. Cassidy:** Yes, I'm just concluding, Mr. Speaker. The committee did not even visit the Canadian company to assess its technical competence. In view of that gross oversight by the technical evaluators, and in view of the policy the minister enunciated in this House, and it has been enunciated before, will the Minister of Industry and Tourism intervene in order to ensure this particular tender is called again so the Canadian company can get a fair chance to get that contract and build up its ability to serve the Canadian market for pollution control equipment?

**Hon. Mr. Grossman:** May I say to the leader of the third party that I know he's very concerned in this matter, as indeed am I. I had the opportunity to go back and look at the file in some depth yesterday, or at least a portion of the file that related to my ministry's efforts, which were quite extensive I might add, to ensure the interests of that company were protected. I might say,

having gone through that file I think I could do a fairly adequate job in assuring the House and making it easier for me to assure the House our Shop Canadian program is in place.

However, if I were to do that, I must say to the leader of third party that in order to give an effective defence of the decision made, it would probably not be in the best interests of the Canadian company to go into extensive detail as to some of the severe reservations the government had in making that decision. In that spirit, I would be pleased to make available on a totally confidential basis to both the Leader of the Opposition and the leader of the third party, most of the information we have at hand, or at least that portion which is not confidential from the company. Then he might make his own judgement at that time, as to the extent to which he wants to debate certain of the conclusions reached on the floor of this assembly.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Rather than trying to bring the leader of the opposition and myself into his confidence, in view of the questions raised and in view of clear indications the buy-Canadian policy of the government has been forgotten in this particular case, why will the minister not agree to get the Minister of the Environment (Mr. Parrott) to call the tender again to ensure that the technical competence of this company is evaluated by a direct visit rather than by just looking at some documents, and to ensure that Canadian suppliers in the pollution control industry are not permanently shut out by ministry policies in violation, in fact, of recommendations that have been made in reports to the government as recently as last fall?

[11:15]

**Hon. Mr. Grossman:** May I say that I am quite satisfied that every appropriate opportunity has been given to that particular company to try to convince the persons making the decision in this government, all of whom were unanimous, that its product met all the standards required by the ministry. That included visits by an evaluation and selection committee to represent a cross-section of the relevant discipline. The membership was as follows: a representative of the Ministry of Government Services, computer services division; a representative of Environment Canada; and three representatives of the air resources branch of the Ministry of the Environment. Further work was done; I have several pages outlining the process, which involved extensive senior staff participation of my ministry. The final conclusion, which was



unanimous, was the one that was made: for very good technical reasons, the firm Radian should be awarded the contract.

I only want to repeat to the member that every opportunity was given to the company to come in and make its representations. The company did that. It had several meetings. It clearly did not go away satisfied—but every effort has been made to satisfy our staff that the company had a chance to present its case. Indeed, it was incumbent upon us and the Ministry of the Environment to check out the operation of Radian, with which they were not that familiar, and so they made an on-site visit there.

Again, before the leader of the third party suggests that we reopen the bidding, I have to say to him that if there were evidence it was not carefully scrutinized, then that might be appropriate. I might also say to him that I am not trying to take him into my confidence in a large way, but I think I do trust him enough to give him some details with regard to the reservations that the technical experts had about the proposal of this company. If he does not want that information, I will not send it over, but I think he should see it before he pursues this matter a heck of a lot farther. He may conclude that pursuing this a heck of a lot farther on the floor of the assembly may not be in the best interests of the company. He may conclude they are, but he may conclude they are not. Perhaps he will wait until he gets that information.

**Mr. S. Smith:** By way of a supplementary question, Mr. Speaker: The minister has referred to a unanimous decision. Is he aware that it is the company's view that it was told by officials of the Ministry of the Environment, after the bidding went in favour of the Texas company, that its system was adequate to do the job, its bid was the lowest and its references from previous contracts were as good as those of the winning bid? That was a direct quotation from these people.

Given that, would the minister not agree that the company ought to have the right to decide whether the matter should be made public? The minister has made a sort of veiled threat that it would hurt the company's interests if all these matters were to be made public; that the company would not like it. Why should the company not decide? If the company decides that it should be made public, will the minister make public the reasons for accepting the bid of the Texas company rather than that of the Canadian company, instead of leaving the company sort of accused of having something dreadfully

wrong with it but having no opportunity to hear what it is and to answer it publicly?

**Hon. Mr. Grossman:** Mr. Speaker, I want to make it quite clear that the company has had every opportunity to hear what the reservations were. It had every opportunity to meet those reservations. It knows very well, and to the last detail, the reasons given by staff. It was told all of the reasons given for rejecting its proposal; so the company has all that information.

If the Leader of the Opposition wishes to take up with the company the reasons it was given and come back here Monday or Tuesday and raise with the Minister of the Environment and/or myself the validity of those reasons—which the company has already—then he may feel free to do that. I was just assisting him in obtaining that information.

**Mr. di Santo:** Mr. Speaker, a supplementary question to the first question: How can the minister say there is no evidence that the government has violated the procurement policy and the 10 per cent factor when we know that Microfilm Recording Company Limited, a wholly Canadian-owned company, has been able to sell its readers to only three ministries after putting pressure on the Premier, and when the president of the company, Mr. Pickett, says his company's readers are much lower in price than the American readers that the government is buying right now?

**Hon. Mr. Grossman:** Again, the member is expanding the entire question to certain other proposals, which he hasn't even specified, made by one particular company which alleges it should have got a contract under the procurement policy. I can really only repeat that the fact that a company bids on a project and the fact that it is the lowest bidder and the fact that it is Canadian is not the entire story.

Obviously there are questions of suitability and quality that come into play, and I know the member would be criticizing this government, quite properly, if machines were purchased or facilities purchased which didn't suit the particular project in mind. If the member has any specifics I wish he would send them over and I would be pleased to take them up with my colleagues.

#### MEMBER'S COMMENT

**Mr. Martel:** Mr. Speaker, I want to rise on a point of personal privilege with respect to what transpired this morning and in the last couple of days. I want to make just one point, Mr. Speaker. I want to make the point that I think what my friend, the member for Brant-Oxford-Norfolk (Mr. Nixon), said in



the Legislature the other day was totally—was factually incorrect, let me put it that way, inaccurate, and I think wrong, but out of consideration for all of my colleagues in this House I want to withdraw the use of the word “liar.”

#### TEACHER LAYOFFS

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Education. The minister must be aware of the very large number of layoffs of teachers across the province as a result of the cutbacks policy which has been decreed by the Ontario government, such as the layoff of 214 elementary teachers and 181 secondary school teachers in the North York Board of Education. Does the minister not agree that the quality of education in this province is being undermined by the cutbacks which are being imposed because of this government's policies?

**Hon. Miss Stephenson:** It is not simply a matter of restraint in the area of funding of education; it is a very real matter of declining enrolment, a matter which is of concern to both boards and to the teaching federations.

The statement that the cutbacks in teacher employment are the direct result of only one of those problems is not factually correct. Boards are, of course, having to look at the way in which they staff the programs for which they are responsible, and in most instances I believe that most boards are doing this quite responsibly.

**Mr. Cassidy:** Supplementary: If I can be quite specific about the Bathurst Heights Secondary School in the borough of North York, where the enrolment is dropping by 10 per cent—

**Mr. Rotenberg:** The city of North York.

**Mr. Cassidy:** —from last September, but where 21 out of the 85 teachers on the staff are being laid off, effective in September, and that is a quarter of the teachers; where 17 regular courses are being discontinued in September, including history, geography and art in grade 13, politics in grade 12, business organization, basic auto mechanics and grade 10 Italian; where the number of students in each science class will go from 25 this year to 36 pupils per class in September, and where 10 of the English-as-a-second-language programs are to be cancelled because of this reduction in teachers, does the minister not agree with me that in the case of that particular secondary school the quality of education for those 1,050 students will be seriously undermined because of this government's cutbacks?

**Hon. Miss Stephenson:** I would think that the decisions which have been taken by the board, if those are the final decisions which the member is reporting—and I am not at all sure that they are, because I have not had any such information from the North York board—are probably based upon sound and factual information, upon the requests for programs, upon the requirements of the students within the area, and I think that they have probably been taken with due consideration of all matters that need to be examined.

**Mr. Rotenberg:** Point of order, Mr. Speaker: The member for Ottawa Centre referred to the borough of North York. I would point out to him it is now the city of North York.

**Mr. Speaker:** That is really not a point of order.

**Mr. Sweeney:** Supplementary: Mr. Speaker, does the Minister of Education keep any kind of record of the school boards across the province—the Ontario Teachers' Federation has identified two or three of them—which are reducing their staffs at a considerably higher level than the number of students is declining? There are cases where there is, for example, a four per cent reduction in students and an eight or nine per cent reduction in teachers. Is any record of that being kept?

**Hon. Miss Stephenson:** Mr. Speaker, I am aware the projections which are made are just that—they are projections. The final decisions regarding the staffing patterns will not be made until later in the summer when the enrolment is more clearly available to the boards, the requests for courses and programs within the schools have been established a bit more clearly, and the boards know how much flexibility they have in terms of providing the appropriate numbers of teachers for the programs which are required.

That information will be available to us when the boards provide it to us. What is being said right now is that they are projecting what they may be doing.

**Mr. Cassidy:** Is the minister monitoring it now?

**Hon. Miss Stephenson:** That will not be factual information until the end of the summer.

**Mr. Cassidy:** No, the decisions are being made now and they won't be reversed.

**Hon. Miss Stephenson:** I would remind the leader of the third party, the final decisions about staffing and program in North York have not been made at this time.

**Mr. Grande:** Final supplementary: Does the minister agree that the needs of children



in this province at this time—in terms of special education and English as a second language—are not going to be met in September in the light of the firing of the teachers that is taking place at this time?

**Hon. Miss Stephenson:** Mr. Speaker, if one looks at the special needs of children specifically, if one is a member of a school board, and if one attempts to make decisions based upon the needs of the children, then I think the right decisions will be made. I think that is what most boards are attempting to do—

**Mr. Cassidy:** No, because of your cutbacks.

**Hon. Miss Stephenson:** —as a result of the activities which they have been carrying out.

**Mr. Grande:** Who is responsible for education in this province?

#### ABSENCE OF MINISTERS

**Mr. Roy:** Mr. Speaker, I want to defer to one of my colleagues but first, I know, for instance, the Attorney General (Mr. McMurry) is here and possibly some of the other ministers but they are inside the lobby. I would suggest a message be sent to them that we have some questions. I defer to my colleague from Kent-Elgin (Mr. McGuigan).

**Hon. Mr. Grossman:** Mr. Speaker, if I might, several of my colleagues are with Mr. Moroz. I see the Premier (Mr. Davis) has returned so I suspect they will be back very shortly.

#### NANTICOKE CONTRACT

**Hon. Mr. Grossman:** Mr. Speaker, while I am on my feet, perhaps I might complete the record: I am reminded by someone back here that I failed to address one very important part of the leader of the third party's questions with regard to whether or not anyone visited the Canadian Applied Technology facilities. I wanted to correct that; I forgot that part of the question.

Those facilities were visited three times by Ministry of the Environment staff and Ministry of Government Services staff both before and during the tendering process. All of their products were seen, both in preparation and under test prior to delivery. So the site was visited on three occasions.

#### FOREIGN PURCHASES OF AGRICULTURAL LAND

**Mr. McGuigan:** Mr. Speaker, my question is to the Minister of Agriculture and Food: In his recent investigation of the foreign land sales in Kent county and in Huron county he presented a figure showing a percentage of land that is held by foreigners.

But I would suggest to him that a more meaningful figure is the percentage of recent sales that have gone to foreign owners. I would ask if the minister would investigate this aspect of it.

[11:30]

**Hon. W. Newman:** We did do figures in 1976. We updated those figures to about a month ago. The report is being written and I will be glad to table it in the House, next week hopefully, so that all can see it. I also know there is some concern which was brought to my attention yesterday by an honourable member who feels there might be somebody looking at buying considerable quantities of land. We hope to look into that also next week as soon as we can contact the person. We are watching it very carefully on an ongoing basis.

**Mr. Mancini:** Supplementary. Does the minister not realize that when our land is bought in this manner, excessive prices are paid for the land and that therefore makes it very difficult for our own citizens to buy land due to the new value established. Why doesn't he make a firm commitment to the people of Ontario that he is not going to allow the wholesale sale of our very important resource, our farm land, to people outside of our borders? Why doesn't he make a commitment and a statement to the people of Ontario instead of being wishy-washy on this most important issue?

**Mr. Warner:** Make it part of the buy-Canadian program.

**Mr. Riddell:** You're selling out Ontario by selling farm land.

**Hon. W. Newman:** It is great how things can get blown out of all proportion by references to wholesale selling off of the province of Ontario's agricultural land. We have done a study, and when it comes out it will show that less than one per cent of land has foreign addresses—not necessarily foreign owned. A lot of people from Canada could be living outside of the country and still own the land here. Just keep that in mind because that will be in the report.

**Mr. Mancini:** The study will show it's all sold.

**Hon. W. Newman:** The member talks about the excessive prices they are paying for land. When the report comes out, it will show that anybody who is buying land is paying approximately the same prices as the Ontario farmers are paying for the land they are buying. Not only that, we have a 20 per cent land transfer tax in Ontario.



**Hon. Mr. Davis:** Some members opposite were opposed to that.

**Hon. W. Newman:** Yes, they were opposed to it.

Interjections.

**Mr. Gaunt:** Supplementary, Mr. Speaker: I just make the point that it is not what has happened; it revolves around what is about to happen in this province. I cite as an example—

**Mr. Speaker:** Do you have a question?

**Mr. Gaunt:** Yes, I have a question and I will put it very rapidly.

Since a major real estate firm has indicated that 30 out of 33 potential buyers were German buyers interested in buying farm land, since 500 to 600 acres have recently been sold to foreign buyers in the Collingwood area, and since 300 to 400 acres have recently been sold in the Simcoe area to German purchasers, does the minister not feel that this is rapidly developing into a major problem in Ontario?

**Hon. W. Newman:** For many years land has changed hands and people from other countries have bought land here. A lot of Canadians have bought land in other countries too across the world.

**Mr. Gaunt:** But not farm land.

**Hon. W. Newman:** There is a reciprocal arrangement between Ontario and the northern United States because they do buy farm land back and forth there.

**Hon. Mr. Davis:** Canadians buy land in the south.

**Hon. W. Newman:** I suggested during my estimates, and I said it before, that I want somebody to come forward and give me evidence that this was actually happening or about to happen.

**Mr. Gaunt:** I have just given it to the minister.

**Hon. W. Newman:** This member did. He gave me the name of a real estate firm yesterday which we are trying to contact so that I can personally talk to them next week.

**Mr. Gaunt:** He wants to talk to you.

**Hon. W. Newman:** I want to talk to him too. We are trying to arrange a meeting. There has been a lot of talk going on, and our figures do not prove there's any major problem.

#### COLLEGE DAY-CARE CENTRES

**Mr. McClellan:** Mr. Speaker, I have a question of the Minister of Education. I want to ask the minister if he shares my concern and the concern of my colleague—

**Hon. Miss Stephenson:** He?

**Mr. Martel:** You said "he shares."

**Mr. McClellan:** She. I said "she." I couldn't possibly say that.

**An hon. member:** Could there be any confusion in anyone's mind?

**Mr. McClellan:** I want to ask her if she is concerned at the decision taken by the board of governors of Seneca College to close their day-care centres at both the Finch and the King campuses. If she has that concern, will she undertake to meet as quickly as possible with the president and governors of Seneca College and ask them if they will review their priorities, firstly, in an attempt to keep that day-care facility open, and secondly, as to whether there are some resources the ministry can provide to Seneca to enable this excellent facility to remain open?

**Hon. Miss Stephenson:** Mr. Speaker, I have communicated with the president of Seneca College about this matter and was informed that as a result of an arrangement which Seneca was able to make with York University it did, at very low cost in terms of the provision of the program, decide to rent space at York in order to accommodate all of the students within the early childhood education program. The benefit of that being at York is that there are other programs which could be both complementary and supplementary to the early childhood education program for Seneca students.

At the same time, I was informed that York itself has a day-care centre—within this complex at York—which will provide the direct clinical experience, I suppose one might call it, for the students.

The decision taken by Seneca board at this point, I gather, was on the basis of the fact that they required more space at the Finch campus in order to accommodate more students in other areas. It was only by transferring an entire program—

**Mr. McClellan:** It's a question of priorities.

**Hon. Miss Stephenson:** —that they were able to accomplish this.

**Mr. McClellan:** Dubious priorities.

**Hon. Miss Stephenson:** In actual fact, out of its own operating budget last year, Seneca spent approximately \$100,000 in support of the day-care centre. Although there is a fee paid by those parents whose children are in the centre, that does not begin to cover the cost of providing the service. Seneca simply felt that unless it could extract that amount of funding from some other source it would not be possible to carry on with the centre.



The centre which they have established at the Finch campus is an excellent facility. It has provided an important service for the parents in the area of excellent care for those children. I think there are a number of parents within the group who would be very willing to attempt to provide the extra \$900 per year per child which it costs at the moment to ensure that the centre remains where it is.

The students in the early childhood education program at Seneca are concerned as well because, while they believe they will have just as good clinical experience at their new site, they are aware that there is little alternative within the specific area of the Finch campus of Seneca for an alternative day-care program. Therefore, we're exploring this on a number of fronts in order to try to solve the problem.

**Mr. McClellan:** By way of supplementary: Surely it is the height of irresponsibility for any organization to close down a day-care centre accommodating, I think, 82 children, on two months' notice. Surely the minister can speak with some urgency to the directors of Seneca College that they have no right to close facilities on which parents are dependent, without making provision for quality alternatives. Surely the minister agrees with that and surely—

**Mr. Speaker:** The question has been asked.

**Hon. Miss Stephenson:** Mr. Speaker, I believe that, indeed, the board of Seneca College is attempting to ensure there will be alternative provision at this stage.

**Mr. Warner:** Yes, when?

**Mr. McClellan:** No, they're not. Eighty-two kids are going to go to York.

**Hon. Miss Stephenson:** I suggested alternative provisions within the area of the Finch campus.

**Mr. McClellan:** Where? Tell us where. Tell the parents where.

#### OTTAWA BEEF COMPANY

**Mr. Yakabuski:** Mr. Speaker, I have a question of the Minister of Agriculture and Food. I'm wondering, in view of the fact so many beef producers in eastern Ontario depend on the Ottawa Beef Company for the sale of their beef, and that company ceased killing there some two weeks ago, what is taking place now? I know the minister met with a delegation of beef producers from eastern Ontario about a week ago and I am wondering what has transpired since that meeting took place.

**Hon. W. Newman:** Mr. Speaker, I appreciate the member for Renfrew South's

concern. There are other members who are very much concerned as well because there is not the killing capacity in eastern Ontario for beef. We have been in touch with the Ottawa Beef Company on a personal basis. I sent one of my senior officials down to talk to them. I will be sending them a letter today making some sort of suggestion to them in order to try to get the plant opened again so the farmers of eastern Ontario will have a place to send their cattle to be slaughtered.

#### ILLEGAL ACTS BY POLICE

**Mr. Roy:** I have a question of the Attorney General and the acting Solicitor General.

**Hon. Mr. McMurtry:** No, I'm not.

**Mr. Roy:** Is the minister no longer the acting Solicitor General?

**Hon. Mr. Davis:** He is the Solicitor General. Where have you been?

**Mr. Roy:** He is the Solicitor General.

**Mr. Speaker:** Order. I think all members know to whom the member is directing his question.

**Mr. Roy:** Yes, I know, but the title is important. He is also the chief law officer for the crown.

**Hon. Mr. Davis:** That's right.

**Mr. Roy:** I'd like to ask the Attorney General, Mr. Speaker, whether he agrees with the policy of his national leader, Prime Minister Joe Clark, that the RCMP will be allowed to break the law as long as cabinet approves? Would he advise the House whether he has that sort of policy in Ontario where police forces, OPP or others, will be allowed to break the law if he or the cabinet or a designated minister approves? Is that his policy in Ontario? Does he agree with the national leader?

**Hon. Mr. McMurtry:** First of all, Mr. Speaker, I don't believe that is the policy of the Prime Minister of Canada.

**Mr. Roy:** That's what he said. Then what is his policy?

**Hon. Mr. McMurtry:** I don't believe for one moment that is his policy but I can assure the honourable members of this House, once again as I have in the past, that I have advised not only the RCMP but all police forces in this province acting within the jurisdiction of Ontario that if there are any breaches of the law they can expect to be prosecuted. We are not tolerating any breaches of the law whatsoever.

**Mr. Roy:** A supplementary: The new Solicitor General at the federal level—someone



the members all know; the Premier knows him well—is dear Allan Lawrence.

Applause.

**Hon. Mr. Davis:** Mention them all and we will applaud them all.

**Mr. McClellan:** You are applauding because he is gone.

**Mr. Roy:** I hardly consider that enthusiastic over there.

**Hon. Mr. Drea:** A great man.

**Mr. McClellan:** That was an applause of relief.

**Mr. Roy:** After his swearing in as the Solicitor General he was quoted, apparently in the *Globe and Mail* of June 5, 1979, as stating the policy.

**Hon. Mr. Davis:** By whom?

**Mr. Roy:** By the *Globe and Mail*.

**Hon. Mr. McMurtry:** By whom?

**Mr. Roy:** It's from the Ottawa bureau. I won't get personal. He was quoted and, in fact, I saw him on television.

**Mr. Speaker:** Would the member please put his supplementary or I'll recognize someone else?

**Mr. Roy:** Yes, but they're interjecting and I'm trying to give the details. He was quoted as saying he approves of that policy that the RCMP may break the law in the national interests provided ministerial approval is first obtained. The Solicitor General, Allan Lawrence, said that yesterday.

Having said that, is the minister prepared to advise him that the rule of law still applies in Ontario and if anyone breaks the law in Ontario, be it the police or anyone else, he will prosecute?

**Hon. Mr. McMurtry:** I just said that, Mr. Speaker. I don't know what Mr. Lawrence has said on the subject as the new Solicitor General. I'm sure I will hear from him personally in due course.

[11:45]

There is one other thing I would like to mention. I indicated my position in relation to the law and the fact that the police must act within the law. The RCMP have assured me they will act within the law in this province. They have never suggested to me that it is necessary for them to break the law. I just want to make that clear.

**Mr. Warner:** You will recall, Mr. Speaker, I raised this issue more than a month ago with the Attorney General. I asked him to send a letter at that time to Joe Clark. Why did he not send a letter indicating that this government is opposed to the RCMP breaking

the law and, further, that there should not be cabinet approval when illegal acts are committed by the RCMP? Why did the minister not send that letter?

**Hon. Mr. McMurtry:** The national leader of the Conservative Party, as he was then—and is now; but he is also the Prime Minister of Canada—is well aware of the position of this government.

#### AUTO PACT

**Mr. di Santo:** Mr. Speaker, I have a question for the Minister of Industry and Tourism. In view of the fact that Canada's auto trade deficit with the United States for the four months ended in April 1979 totalled \$766 million, compared with \$269 million in 1978, because of the decline in passenger-car shipments from Canada to the United States and a rise in the imported parts deficit, which in four months amounted to \$1.6 billion, is the minister in a position now to express his opinion? Has the government developed any plan to correct the worsening situation in the auto trade? Or does he agree with the Treasurer (Mr. F. S. Miller), who said on June 5 that with the auto pact we have improved our position rather than making it worse?

**Hon. Mr. Crossman:** Mr. Speaker, the Treasurer was quite right at that time, and the situation alters in cycles for a lot of reasons. The important thing we can do is to try to reduce the extent to which the cycles affect us.

I might add to the member that one of the things that was high on our agenda in our recent trip to Japan was to emphasize to the Japanese auto makers which are going to be locating assembly operations in North America—we hope a couple will be in Ontario, but certainly there will be a great number in the United States—that it would be only fair and equitable to do a great deal of auto parts purchasing from firms in Canada. That is the sort of positive government action which I think will serve to reduce that deficit which the honourable member is talking about.

**Mr. di Santo:** How can the minister say the Treasurer was right the other day when the minister knows the trade deficit has amounted to \$7 billion since the inception of the auto pact?

In view of the fact that Mr. Julius Katz, US Assistant Secretary of State for Economic Affairs, questioned the other day about whether Canadians are getting a fair deal from the auto pact, and in view of the fact that the Premier of the province on February 14, 1978, at the first ministers' conference,



said if we had balanced the auto pact we could have created from 15,000 to 20,000 new jobs and a further 10,000 jobs with new investments, can the minister tell us, three months after his statement in this House on March 15, if he finally has a position on the auto pact?

Second, how does the minister think investments will come in this area, with the worsening of our trade position?

Third, how can the—

**Mr. Speaker:** Order, order. The honourable member had a three-part initial question; now he is enumerating. I think he has enough on his plate right now. Does the honourable minister have a response?

**Mr. Bradley:** Yes or no will do.

**Hon. Mr. Grossman:** Yes, the Treasurer was right. Second, I would remind the honourable member that his national leader, his provincial leader and his party have now agreed that the auto pact should not now be renegotiated. I think one of the reasons they have acknowledged that is that while—

**Mr. Warner:** That is not what he said.

**Hon. Mr. Grossman:** Your leader has; check it, David, check it.

I know one of the reasons they have concluded that is that while there is that overall deficit from the start, the fact is that most intelligent observers of the situation conclude we are substantially better off now than we would have been if we didn't have the auto pact.

**Mr. di Santo:** I have a point of personal privilege, Mr. Speaker. At no point did I indicate that we are asking that the auto pact be renegotiated, and I ask the minister to correct the record.

**Mr. B. Newman:** Supplementary: Has the minister had any ongoing negotiations or discussions with Chrysler Canada in an attempt to convince that company to manufacture or buy four-cylinder engines manufactured in Canada, rather than purchasing from the United States?

**Hon. Mr. Grossman:** I do plan to visit Mr. Iacocca sometime in the next two or three weeks. Discussions have been undertaken. The president has agreed to see me sometime in that period of time. In fact, he indicated, notwithstanding how well the members know me, that he'd be anxious to meet with me. We hope to have that meeting in the next couple of weeks, as I say, with a view not only to that particular question but to get a better handle on what their overall future plans are for Canada to ensure we get our fair share of future assembly, production and sourcing.

## HIGHWAY SAFETY

**Mr. Bradley:** A question for the Attorney General, Mr. Speaker: In the light of his concern for the number of accidents on Ontario highways and the resulting injuries and deaths, would the minister speak to his friend, the Minister of Transportation and Communications (Mr. Snow), in an attempt to persuade him to have routine maintenance on the Queen Elizabeth Way done at some time other than the daytime when the flow of traffic is very heavy, to avoid accidents, to avoid aggravation, to avoid the fact that once people have gone through from the three lanes into two lanes, when they get out of that they tend to speed up and exceed the speed limit and create the need for more law enforcement officers? Would he speak to the minister about that so that he will not have to have as large a budget for new police officers?

**Hon. Mr. McMurtry:** I don't understand the second part of the question, but I assume what the member for St. Catharines is stating is that these mechanical checks are causing problems when conducted at certain times of the day. In view of his statement I will discuss this matter with the Minister of Transportation and Communications.

## GM SETTLEMENTS

**Mr. S. Smith:** On a point of privilege, Mr. Speaker: Earlier in the question period the Minister of Consumer and Commercial Relations made the point that there has been a successful class action in Ontario. I have in front of me the judgement. It is not in fact a successful class action at all. What it is is an action—which is still being further appealed—at the Court of Appeal as to whether or not a class could possibly be constituted in a certain instance.

It is not in fact an instance where a class did launch a successful suit against a company; not one penny has been collected. It merely is a decision of a judge of the Court of Appeal that, in a certain instance with certain ways of doing it, there might be constituted a class, but it is not a successful class action. I think it's very important to know that.

**Hon. Mr. Drea:** Not being a solicitor, I'm not going to get into splitting hairs on the matter.

**Hon. Mr. Grossman:** Splitting heads, yes.

**Hon. Mr. Drea:** The truth of the matter is in the Firenze case, which incidentally was General Motors, Mr. Justice Dubin, and I forget the other justice, in the Court of



Appeal wrote one paragraph in there which, if it doesn't legalize class actions and call for them, then I don't know what does.

**An hon. member:** Are you going to lay an information for fraud against GM?

### NOTICE OF DISSATISFACTION

**Mr. di Santo:** Mr. Speaker, I would like to file dissatisfaction with the answer of the Minister of Industry and Tourism because he did not address himself to the points that I raised in my question.

**Mr. Speaker:** The honourable member can give the table reasons in writing for his dissatisfaction, and that debate will take place next Tuesday evening.

### MOTION

#### COMMITTEE MEETINGS

Hon. Mr. Grossman moved that the general government committee be authorized to meet concurrently with the House on Monday, June 11.

Motion agreed to.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Grossman:** Before orders of the day, Mr. Speaker, I wish to table the answers to questions 141 to 153, 182 to 184, and 204, and an interim answer to question 197 standing on the Notice Paper. (See appendix, page 2743.)

**Mr. Speaker:** Before orders of the day, the member for Renfrew South has a point of something or other.

#### PRESENTATION TO PREMIER

**Mr. Yakabuski:** Mr. Speaker, yesterday I had the opportunity of attending a reception, at which time the book written by Stan Obodiac, *The Polish Pope and North America*, was unveiled. Mr. Obodiac wanted me—and I assured him I would—to make a presentation to the Premier of one of the first copies of this great book autographed by Mr. Obodiac. It is very timely, because this week the pope has been visiting his homeland and has had a tremendous reception and acceptance.

Mr. Obodiac has written some nine books ranging from *The Soul Speaks* to *Red Kelly*.

The present pope is well known in Canada and the United States, having visited both countries in 1969 and 1976, and knows more about Canada and North America than

any of his predecessors, because he met people mostly and not high officials.

At this time, it is my pleasure to present one of the first copies autographed by Mr. Obodiac to the Premier of Ontario.

### ORDERS OF THE DAY

House in committee of the whole.

#### ESTIMATES, MINISTRY OF INTERGOVERNMENTAL AFFAIRS

(continued)

On vote 602, intergovernmental affairs program:

**Mr. Renwick:** Mr. Chairman, I want to make a very brief comment about the question of federal-provincial relations, because I will be required in that never-ending committee on the landlord and tenant bill.

I want to say to the minister that having read his comments—not having had the opportunity to be here when he made his opening statement—about the present course of the discussions on constitutional matters, they raise a very profound and deep discontent within myself about the exclusion of this assembly from any participation in the elitist constitutional industry of the country. That industry has now ground to a halt. We have all of the papers that are before us with respect to constitutional matters. I have a resolution standing on the order paper in my name with respect to a committee of this assembly to study those papers and to make recommendations to this assembly about what the policies of the government of Ontario should be.

[12:00]

The minister will be pleased to know that in the round robin that has been continuously going on, since I was had by the House leader and the Minister of Intergovernmental Affairs some weeks ago on the question of my private member's public business, the resolution which now stands in my name will be transmuted on Monday into a resolution standing in the name of my colleague, the member for Lakeshore (Mr. Lawlor).

It seems to me that to the extent that the rules provide we will have an opportunity in this assembly, either because the government adopts the suggestion put forward in that resolution that there be a committee of this assembly and makes that announcement prior to private members' public business next Thursday, or my colleague, the member for Lakeshore, will be debating—and I hope that I would participate in that debate



—the merit of having such a committee. I would trust that then we would have a resolution of the matter, the resolution of the matter being the approval of the assembly, unless 20 members of the government party stand for the purpose of blocking a reference of constitutional matters to a committee of this assembly.

I personally cannot understand why the government treats the question of constitutional change in Canada and national unity as, first of all, its sole prerogative and, next to that, the sole prerogative of the bureaucracy and the elitist academic community of Canada, and why it is not possible for this minister graciously to consent to this assembly being involved in those discussions in a meaningful and positive way.

I say further to the minister that if he believes that somewhere down the road there is going to be referred to this assembly some form of constitutional change or amendment which has been subject to the agreement of other governments in Canada and that we are to be made patsies in this assembly with respect to the approval of constitutional change, he had better disabuse himself of that thought.

I trust I have made my remarks clear. I have been extremely patient over some 18 months now, speaking to the Attorney General on the matter with respect to so many of the matters related to constitutional change, speaking very briefly in the estimates of this ministry last time, and having put the motion on the Order Paper on the understanding, as forecast in the throne debate and in the throne speech, that the government was going to put a resolution on the Order Paper with respect to constitutional change and national unity.

I have clearly indicated both to the government House leader and to the minister that it was our intention at the time when the government placed its motion on the Order Paper that the motion standing in my name would be withdrawn and reappear in the name of the leader of this party as an amendment to the government motion. Since that time we have had a game of footsie, or whatever you want to call it—interminable discussions in a circuitous fashion, so that now we do not know what the position of the government is.

My colleague, the member for Ottawa East (Mr. Roy) is in his place. The member for Ottawa East and I met with the Minister of Intergovernmental Affairs just two or three days ago as the last stage of this ridiculous charade we are being put through. We put forward a very reasonable proposal. Nobody

agreed to it, though I was prepared to agree to it. The proposal basically was quite simple, recognizing the exigencies and the demands on all of the members of the House with respect to committee work during the summer period.

The proposal was that before this House rises for the recess that such a committee, in substantially the terms of the resolution standing in my name, would be appointed by the assembly. It would be a small committee. Bearing in mind the demands made on all the members, we were thinking of perhaps two members from this party, two members from the Liberal Party and three or four members from the government party, or it could be larger if there are more members interested in that who have a sense of its priority over the demands of other areas of committee work.

That committee would be appointed. There would be an organizational meeting, or perhaps one or two meetings, simply for the purpose of seconding with the agreement of the minister the appropriate persons from his ministry to act as an independent staff for the committee and to give that staff an opportunity to work out how the various studies and proposals would be digested by this committee at an appropriate time. We could give them six or eight weeks to work out a plan and process for that committee and have the committee start its substantive and meaningful discussions at Labour Day.

That would permit the committee to make an interim report later on in the fall session, a report that would be of some significance. Whatever the government's ruminations may be about its motion as proposed in the throne speech, perhaps at that time the assembly could not only debate the government motion, but could debate it in the light of a report having been made by members of this assembly with respect to all of the numerous studies of the governments of Canada, of various political parties and other interested groups in Canada, so that we in this assembly would have some sense of participation in what is going to take place.

There was a second aspect to my resolution which I have conveyed to the minister, to other members of the government and to colleagues in the Liberal Party. Another aspect was that this assembly as a representative assembly should have a committee which should go to the province of Quebec to meet with colleagues in the National Assembly for the sole, simple and uncomplicated purpose of sitting down with a counterpart committee from that assembly and saying, "Look, we want you to stay in the game, we want you



to stay in Canada. Let's talk; let's exchange views." More importantly, its purpose would be to indicate clearly from one non-partisan representative committee of this assembly to a representative non-partisan committee of the National Assembly that this assembly representing the people of Ontario wants the people of Quebec, through their representatives, to know that we give a damn about whether or not they stay in.

Those were the two purposes. What is wrong with that? What impedes the government continuously from accepting that proposal? Why does it constantly put up obstacles to any inclusion in a meaningful way of this assembly in this ongoing debate? Do we have any role or don't we? If this reconstitution of the Confederation in Canada is of that kind of importance, surely this government could take its lesson from the Confederation debates at the time of the original Confederation of the country.

Then the Parliament of Canada and the members of the Parliament of Canada were fully involved, as anyone can see who reads the debates of the Parliament of Canada leading up to Confederation. Anyone reading those debates would know that members of that Parliament went to New Brunswick, to Nova Scotia and to Prince Edward Island. I don't know whether they went as far as Newfoundland, but they met and talked with colleagues in various cities and places throughout those provinces to show them there were very real and tangible benefits for the Maritime provinces to join in Confederation and to unite in a united Canada.

What is wrong with this phlegmatic, passive, Anglo-Saxon community in Ontario getting up and demonstrating in some clear and unequivocal way to the National Assembly of Quebec that we have an interest in having them stay in the game?

I don't want to go on very much longer because what I am now going to say is, in a very synoptic way, what I said in the budget debate, which I am certain the Minister of Intergovernmental Affairs has not read. Therefore, I want to repeat it briefly to him.

I am sick and tired of political leaders in Canada saying we are all agreed on national unity, therefore there is no need to discuss it. I tried to draw the analogy and I tried to say very clearly that we are all agreed that there should be full employment in Canada, but that doesn't mean we don't discuss how we achieve full employment. Different leaders in the political world express differing views about it.

We all agree that there should be economic growth in Canada, but that doesn't mean that because we agree on the goal we are all agreed as to the way in which that goal is achieved or that debate and discussion of it are stultified by some suggestion that as we are all agreed on that goal, we don't have to discuss it.

We are all agreed on many goals for the province of Ontario in this society, but the nature of politics is that you discuss how you achieve those goals. You try to do it either by persuading a sufficient number of people to accept your views or by reaching some form of consensus with respect to the procedures which are going to be followed to achieve those goals.

To the extent that it is possible for me to participate in a minor way through this assembly, I for one do not want to be in the position where from now until the time of the referendum there is no meaningful relationship between this assembly and its counterpart in the province of Quebec. For me, that means we are allowing ourselves to be mesmerized and placed in a rigid, inflexible, doctrinaire position which has no place in a political process of the sensitivity and importance that this renewal of Confederation has for all of us.

My final remark is very simple and very brief. I happen to be one of the persons who believe very firmly that you cannot divorce the fundamental economic societal problems from constitutional reform. I think it is fair to say that many of the economic problems, intransigent problems, that we are faced with in the province of Ontario, are a result of the structural design of Confederation which impedes the solution or the reasonable solution of those economic problems. This attempt somehow or other to divorce economic matters from the constitutional structure of the country and the way in which the various parts of the country relate to each other is, to my mind, an integral part of what we are about.

I think it may well be that all of us are faced in the constituencies that we represent with people who basically say: "We don't believe any longer that anything can be done about the major problems facing us. We don't really believe that any government can do anything about employment or inflation or any of those problems. We simply are now extremely sceptical, if not cynical, about the capacity of the political process to assist in relating to those major problems which are having such a debilitating effect upon the creative capacities of people in Ontario and elsewhere in Canada."



I have voiced my discontent and my frustration about the way in which the government has persistently and consistently treated this assembly on the matter of the involvement of members of all parties in matters related to the fundamental nature of Confederation. When it is all written, I don't want it to be said that I sat in this assembly and had no part in that. I speak not only for myself, I am certain I speak for many other members of this assembly as well.

I want a definitive statement from the minister as to what the government's intentions are with respect to this question. I do not want to be told that it is a matter subject to further discussion by the House leaders. The House leaders don't make the policy; the government makes the policy. The government comes to the decision, and the House leaders of this assembly will in fact agree to such a committee if the government says it wants to have such a committee.

[12:15]

**Hon. Mr. Wells:** Do you want me to respond to these questions of an administrative, procedural nature before members go on with discussing the substance of some of the matters? Perhaps I will anyway.

I disagree with the last statement the member for Riverdale made. I think he simplifies the issue too much when he says the House leaders do not have any involvement in this matter. The House leaders do have a very distinct involvement in helping in the orderly running of this House. One of the matters that has to be decided is how many committees we can have in this House and what is the role of the committee. To some degree, and I realize my opinion may be different from my friends, this House itself is becoming completely irrelevant as everything goes on in committees. Our original thinking was that what we needed was a good debate in this House, a real debate in this House on this matter.

**Mr. MacDonald:** Why did you back off on that?

**Hon. Mr. Wells:** We haven't backed off; that's still our opinion.

**Mr. MacDonald:** It was in the throne speech, and you backed off six or eight weeks ago. Don't try to kid us.

**Hon. Mr. Wells:** There are two reasons why we haven't had that debate yet. One of those particular reasons is the federal election was being held on May 22, and we decided among ourselves—as I recall with the agreement of all parties—that it would be better not to have the debate until after the federal election so that we would not become em-

broiled in some of the issues that were being discussed at that particular time.

Further, it was made very clear to us that, basically, the thrust of the third party was going to be to not have the debate in this House but to put forth a motion to send the matter to a committee. In other words, they were diametrically opposed to the kind of idea that we saw of a real debate in this House and wanted, rather, to have it go to a committee.

**Mr. Renwick:** Both.

**Hon. Mr. Wells:** Therefore, basically, we would spend our time debating the idea of a committee rather than debating the substance of the matter in this House. The member says both, but he knows that procedurally if you're going to send a matter to a committee, if the resolution is put to send the substance of a resolution to a committee, and it passes, why would you then have a five-day or six-day debate?

**Mr. Lawlor:** The background, the structure; for a hundred reasons. We do it all the time.

**Hon. Mr. Wells:** The member for Lakeshore now says there are lots of reasons, but I can tell him that if that had happened the immediate response would have been: "Why are we going to waste the time of the House with a matter that is going to be thoroughly discussed in committee?" Within a very short time the matter would have been sent to committee, without a long debate in this House.

I'm not saying there isn't merit in having a committee, that may be so; but we thought on this particular matter there was merit in having a real debate in this House—something of which, incidentally, we have very few.

**Mr. MacDonald:** Agreed. It's the equivalent of second reading and then sending it to a committee to get into the detail.

**Hon. Mr. Wells:** We have very few real debates in this House; perhaps it's time we started getting back to real debates where we debate matters rather than all coming in with our prepared speeches. The only time we really have real debates is on estimates material and on some of the bills.

In other debates it's a series of prepared speeches, which are good in their place but which are not the essence of real debate on a subject as important as this.

We really were saying we wanted a real debate in this House, and we have not moved from that position. Somehow the impression around was that what we were suggesting was an afternoon and an evening. It was certainly never in my mind that we would have a limited debate such as that, but if it took



five days or six days or seven days, we would continue on until every member of this House had a chance to express their views.

That debate is still planned, and I think most members agree we should have it.

Mr. Lawlor: I think you should convene a special summer session.

Hon. Mr. Wells: A lot of us agree it probably should be a little closer to the referendum in Quebec, and the fall would probably be a better time to have it.

I want to say that I do not—and I want it very clear—I do not believe that the members of this assembly should be excluded from the discussions on these very important matters; referendum, strategy, constitutional reform and all those matters that are of uppermost concern to us today. I happen to be one who agrees wholeheartedly with the member for Riverdale on his premise that there is a relationship between the economic problems we face and constitutional reform.

I do not in any way agree with the statement that some people put to me, that goes something like this, and we've all heard it; "Don't be worrying us about constitutional reform and those things. What we need is just to worry about jobs and getting the economy back on the rails." Certainly that's one of the uppermost problems we face today, but it is related to constitutional reform, which is related to the situation in which we find ourselves in Canada today and the effects that situation is having on the economic growth of this country.

So it's a big circle. There are two completely unrelated issues that can be separated and placed in separate compartments, with one put on the shelf and left with nothing done about it in the hope that the other will solve the problems. They are interrelated, I agree with that; which is why I consistently have believed we must pay just as much attention to where we're going in a restructured federalism to what we see as a strategy vis-à-vis the Quebec referendum and what we see as a future constitution for Canada, because what happens in economic matters is very related to these particular questions. Therefore the whole idea of debating these matters and concerning ourselves with them is of just as much importance as the concern with economic matters.

I believe this assembly should be involved in these matters, and indeed just a few months ago during the consideration of these estimates last year we had what I thought was a very good debate on this particular vote at that time. It was with that thought in mind that we put the proposition forward in the

throne debate that this assembly should have a further full debate on the matter.

I might say also that because we believe this assembly should be involved, we try to make available to the members of the assembly all the material that comes to our attention. With that in mind we sent out a memo recently to all members of the Legislature asking what various reports and documents they wished so they would have background either for the debate or for their own use. It disturbs me that only one member of the Legislature has replied so far and asked for the material. I know the members who will probably speak today don't need to reply to the memo because they already have the material, that is those who are most directly concerned with constitutional matters; friends such as the members for Ottawa East (Mr. Roy) and for Lakeshore (Mr. Lawlor) and others; I know, have already most of the documents. Still, we received only one reply from the members of the Legislature. I hope others will avail themselves of the opportunity to get the documents: the best-offer drafts that came out of the constitutional meetings, the various reports of our advisory committee, the Pepin-Robarts report, the Canadian Bar Association; all of these things are available. We have them in the intergovernment affairs secretariat, whose vote we're now discussing. They're there to assist all of us in being better informed on these matters, and also in formulating our own opinions and putting forward our own positions.

In finishing up, Mr. Chairman, all I want to say is that we haven't, at this point, said no to a committee. I think that the first proposition was that a committee should sit over the summer. We did not think that was a good idea. I think most of the members of this House felt there were enough committees which would be sitting over the summer and to have another would not be a possibility in practical terms.

The thrust for another committee came out of a meeting I had with the member for Ottawa East and the member for Riverdale. As I said to them both this morning, it has gone to the House leaders, because the House leaders do have a responsibility, along with those who organize the business of this House, to find out what times the House sits and whether there are possibilities for other committees and so forth. Based on the kind of discussion that comes back from that we will have something definite. Certainly, on behalf of the government, I will give a definite opinion as to our feeling regarding a committee. If it is physically possible to do it, I have no objection to sitting



down and discussing these matters with any members of the House at any length of time.

We could look at it in two lights. It has been suggested we need a committee so that committee could go and visit the members of the National Assembly in Quebec. That would be a possibility.

Another possibility that could be explored, quite apart from a special committee, is the idea of an interrelationship between this assembly and the National Assembly in Quebec so we can understand each other, member for member; so they can understand our feelings, desires and hopes for what they will do, and so they, on the other hand, will try to tell us what they feel and think should happen. But that could be organized on a much larger scale by the House itself organizing exchanges. If our ministry could facilitate that, I would be most happy to do that. I am separating that from committee studies.

I was thinking the other day we could organize an exchange involving all those members, even those who do not have the time or really a first-priority interest in that committee as a permanent committee they might want to sit on but who would be very interested in visiting the members of the National Assembly. Perhaps some time in the fall we could organize an exchange visit between the members of the Legislature—not the government—and the members of the National Assembly. That could be done through the Speakers and their offices, with them providing the exchange vehicle so that it does not become an intergovernmental affair but one of one legislative body to another. That would be my reply to the member for Riverdale at the present time.

As I say, on the matter of a committee, it was my understanding that our House leader was going to discuss it with the other House leaders; perhaps we will have some response on it next week.

**Mr. Roy:** Mr. Chairman, I would like to make a few comments pertaining to the comments made here this morning by the member for Riverdale and the minister.

First of all, responding to the minister's comments about sending out a questionnaire to members of the Legislature: considering the volume of paper we get, it is quite possible that is not the most effective way to gauge the interest of members of the Legislature in constitutional reform or in a constitutional debate. The minister will recognize we get questionnaires ad infinitum. It may be, with so many of them coming in, that some of our staff is engaged to send

those directly to the wastepaper basket. I would hate to think we were gauging the interest of all members of this assembly by the response to that questionnaire.

The second thing I would like to mention is that I was pleased to hear the minister talk again about the question of constitutional reform, saying that it is an important topic and, with the economic problems being solved, we will have no further problems in this country. I must say to the minister—and I think I have said it on a number of occasions since 1976—that the interest of the government has not always been such that it has been altogether encouraging for us who have taken a deep interest in national unity and constitutional reform. The approach taken by the government, except in the recent past, has not been one to make us all that enthusiastic.

[12.30]

I would remind the minister that the election of the Parti Quebecois took place in November, 1976 and we're approaching the third year of that government. It's only for a year now that we've had a ministry that is going to start focusing on that. This is only the second set of estimates dealing with the administration of intergovernmental affairs. Before that, the ministry was a mish-mash that included Treasury, Intergovernmental Affairs and all of this. We felt at that point there was insufficient focus.

I would remind the minister as well that the position taken originally by the government and by the Premier (Mr. Davis) after the election of the Parti Quebecois was not one to enthuse too many people in the House; there was confusion at first and the position of the government was not all that clear.

I recall, if not this minister then certainly some of his colleagues and members of the cabinet, clearly saying that once we solved the economic problems there would be no further problems and that we would for all intents and purposes have taken care of the unity of the country. Constitutional reform was not going to be a problem if we solved the question of inflation and if we solved the question of jobs. There has been confusion, and I've been extremely critical of the government on that score.

I congratulated the minister at the time he was appointed because he was someone I felt would perceive the overall implications of this. I am pleased to hear the minister say that solving the economic problem will not solve our constitutional problem at this time. Those who think that solving the economic problem is going to resolve everything in this country should think back to when the rise



of nationalism in Quebec took place. It was in the better years, in the 1960s when unemployment was low and when inflation was not a problem. Those who think solving the economic problem is going to satisfy those who crave constitutional change in Quebec or elsewhere are confused indeed. Look at the province of Alberta, which wants constitutional change. Certainly it doesn't face economic problems that are of much concern as compared to those of some of the other provinces.

I would go a step further in speaking to those who feel that the economic solution is a solution to all our problems. Those who think they can contain the rise of nationalism or the craving by the majority of Quebecers or other Canadians to have constitutional reform, those who think they can curtail that desire which is often expressed in nationalistic terms by either economic reform or economic reprisals are misled indeed. In fact, when there is that craving based on nationalism, it's not going to be economic threat or economic reform which is going to satisfy that sort of appetite. We have too many precedents in other countries, on other continents, as evidence of that.

Talking first of all about the resolution, I was one who felt we should have been debating these issues in the next session immediately after November 1976. We should have been involved in that; unfortunately we were not. This matter has dragged on and on. Apart from occasional debate on a bill where all members participated, we've had very few discussions dealing with constitutional reform in this assembly. Considering the priority of things and considering how we spend our time here, I felt that issue should have merited, and should have warranted more attention on the part of the government and on the part of the members of the assembly.

Having waited all this time, I felt that if we were going to discuss a resolution, then let's discuss it at a time where it's going to have maximum impact. It seems to me that the maximum impact one can have out of a unanimous resolution coming out of this assembly would be at the time of the referendum, when they are discussing the referendum. I don't know if my colleagues agree with me on the frustrations that as Canadians we are just sitting back looking at what is happening in the province of Quebec. We have a party whose main principle is independence, and this independence is based on what they call *souveraineté association*. Association, of course, involves association with Ontario; we should not just sit back and let a particular spokesman, Levesque in these

circumstances, interpret what the association is going to be all about while we, in Ontario, who are the main partner of this association, would just sit back and not say anything.

I felt that it was important, extremely important, that having waited this long, for God's sakes, let's have the resolution at a time when the message can be clear to the people voting on the referendum in the province of Quebec. My suggestion has been, first of all, let's not have it at a time during a federal election when again that issue would be clouded, the waters would be muddy, it would be confused and maybe lost in the overall debate of a national election.

Secondly, as I said, we can expect the referendum this fall. We should have it at that time so that for those who are discussing the various options in the province of Quebec the electorate in that province be well informed as to the position of Ontario, of the members of the assembly representing the people of this province, at the time they are going to make a decision on the referendum.

Moving from that point, Mr. Chairman, to the issue raised by the member for Riverdale about his committee, I felt and I agreed with the minister that, first of all, the resolution should not be debated here for a few days and then sent to a committee and at that point the impact of it, I felt, would have been lost.

Having said that, I have always agreed and I have told the member for Riverdale, and my colleagues I think are in support, that the idea of a committee looking at constitutional reform, studying the various options and reports that have been forward now for the last two years, both at the provincial level, or Pepin-Robarts at the national level, the Canadian Bar Association report and so on, was something that was worthwhile.

The member for Riverdale has said we have committees on every conceivable topic, some of which I must admit—and my colleagues may not agree with me—that on a priority list I would certainly not list as high as constitutional reform. We should have a committee, and the importance of this committee, as I see it, is that we in this assembly would be saying, as the government has said repeatedly to Levesque: "If you are proposing something like *souveraineté association*, independence and association, we in Ontario"—as the Premier has said—"if you are talking independence, association is not an option that you can be discussing with your people because we are not for it."

The importance of the committee would be so that we can have something positive, not only negative; that we just don't say: "Look



we are not interested in association," but that we make it very clear from this committee that we have something positive to offer, that we in Ontario really believe in constitutional reform and that we are not satisfied and that we are prepared to listen to those who are not satisfied with the status quo, we are prepared to listen to them as long as the option, as Ryan has said repeatedly, is based on federalism.

I agree with the setting up of the committee. We have heard here this morning the various views as to the practicality of having the committee at a particular time. As I understand the discussions that have taken place, both the minister and I expressed to the member for Riverdale that we were in favour of the committee. The problem with the committee this summer, though, is that with all the committees that have been structured we just don't have the bodies to be on that committee in the summer.

I personally have agreed with the member for Riverdale and I certainly have no objection that we name the committee now, that we decide about the structure, that we have meetings possibly to decide the structure of this committee, the number of members to sit on the committee and so on and that the committee start its work in the fall. I think that the suggestion is a good one. I am convinced the House leaders will look at this option and will see fit to accept it if it is the will of the members of the assembly.

I can understand the frustration of the member for Riverdale. I see no reason why a commitment on the part of all parties should not be made to say we are going to have the committee and that its role will be as the member outlined in his resolution. I agree with the member for Riverdale that in the past the government has not involved the members of the assembly very much in constitutional reform. That is something the government has basically decided on its own.

I will just give an example: it has continually been the position of this government that repatriation of the constitution should not be done unilaterally by the federal government. That position was changed only in the last conference in February of this year. That was quite a 180-degree turn, but none of us had ever been aware of that—

**Mr. MacDonald:** Not even Joe Clark was told before they made the announcement.

**Mr. Roy:** Yes. Of course, I can understand—

**Mr. MacDonald:** Quite an exercise in co-operative federalism.

**Mr. Roy:** I can understand they would not advise him, because at that time Joe Clark was pretty confused as to his constitutional position.

**Mr. Lawlor:** What do you mean "at that time"?

**Mr. Roy:** Nevertheless, it is an indication the government has not involved us very much. I think this committee is one way members of all parties can be involved. Let's look at those reports. I think it would be extremely helpful to the government. I would think the government should jump at this chance to get input from all members of the assembly.

But I want to make it very clear I don't agree with accusations that the minister somehow has delayed the resolution. I was one who discussed it with him and said we should not have it during the federal election. I don't mind putting it on the record that I felt the resolution should be put forward at a time when it would have maximum impact in Quebec. I felt the closer to the referendum the better it would be. If that happens to be this fall, then I am all for it.

So I am not going to be one who is going to accuse the minister for agreeing with suggestions that I made to him. But I would say we need a commitment on the part of all parties in this House that this committee, as the member for Riverdale has said, be structured and that we participate in it.

In deference to some of my colleagues, I, as a member—and I think many people are aware of my priorities—don't see many things more important than that issue in the coming years here in this country. I think this committee is an excellent idea, and if we can set it up, talk about the general terms of it and have it start working in the fall, then we are all for it.

**Mr. Lawlor:** Mr. Chairman, since the inception of the Party Quebecois in office, there has been a recurrence in stirrings of quite a deep alienation. We have done damned little, as English-speaking people, to mollify that, to come to terms with it, to seek accommodations; on the contrary, we have always sat on high horses and scowled.

But coming closer to today, what the honourable member has just said is perfectly true. For three years, for mysterious reasons, the government has scouted, circumvented, hung back, truncated, not dealt with, this issue in this House. The occasions upon which we have been asked to make any con-



tribution to the matter have been rare indeed. It has been even rarer that the minister has made any. It is past the initial phase where we held olive branches out, where we said we wanted to keep the country in its integrity and that we were prepared to make overtures and go to some length in order to do that—these were vocables, mere words. They had to be said and thank heaven they were, but they have to be fleshed out too; they can't be left as empty gestures.

[12:45]

What you did the other day was part of the same act. You repudiate, as we all do, sovereignty association. We may have to come to terms with it some afternoon, but we do so most grudgingly. We seek the alternatives, but do we seek the alternatives or have we sought the alternatives?

Two reports have come forward. I leave out the bar association report; I haven't studied that one. There are two reports to which I wish to give high praise, something which hasn't been done.

Again, we have had a whole federal election campaign. How much and to what extent by any party in that campaign would you have anticipated there would have been some debate on this whole issue of the powers of the constitution? You wait upon events. You expect something to happen. What happens? An emptiness. They circumvented the issue again. Why? For a hundred reasons. Because it is not opportune. It is never opportune to deal with tough issues that are going to burn or wound some element in government.

Since this is the only forum in which one can speak to any extent, let's deal with your government. You got a report by the name of the Pepin-Robarts report back in January. A Future Together, it is called. I put it to you, that is an excellent report, in this sense at least: It is the foundation, the thing we have been looking for, in order to put our teeth into the issue and come to something concrete rather than the sentimental gestures going around at the present time. You do not seem to be prepared to address yourself to anything else.

I would have thought Johnny Robarts would have held prestige, and would have had impact on this government, but apparently not. Apparently he is on the shelf too. In this area, I just don't know the minister's thinking. I respected Robarts in this House for his astuteness and his integrity. He got on the commission working with Mr. Pepin, and to give as many points away if you will, not giving points away, but as I see it, he came to a rational revision in the light of human history 100 years after the event, a re-

allocation of the pie. You may not like the particular tenor, the particular division and the concurrences they have set up, but at least they tried. They put some definition into the issue for the first time.

Let me just mention before I forget that a few months after, there was a report from Ian Macdonald, previous Deputy Treasurer of this province, now president of York University. He introduced a small report with respect to the Senate and matters of that kind which are, for my money, quite peripheral to the real issues involved here. Then, in April, he came along with a major report which I have here in front of me.

A most curious thing happened. What that Macdonald task force, which was financed and promoted by this government, came up with was curiously coincidental with Pepin's and Robarts' findings. These reports complement one another; sometimes they reinforce one another; they certainly don't run contrary to one another as one might possibly expect.

With respect to the increase of provincial powers, they recognize the tenor in this country. It may be somewhat regrettable that if this country is to hang together, there will be some erosion of federal powers. It is a price that has to be paid as I see it. It is not even a high price. It is mostly in cultural matters that it has to take place.

No one, for instance, in the area of taxation, I would think, would take any issue with the fact that the provinces might have both forms of taxation, direct and indirect. The stuff founded on John Stuart Mill and imported into our constitution, giving full amplitude to the one government, the feds, and keeping the provinces in a position of subordination in this particular way, is out of date, silly. And, not in force; we trespass upon it constantly. Gasoline tax is a case of quite indirect taxation.

To recognize the facts of life and the economic impacts in a developed economy in the light of a contemporary world is the first task of this report and the first task that we have to carry forward.

Therefore, a committee of this House is necessary. It's almost impossible, it's too intricate to debate it here—I want to do a bit of it before I'm finished. To get the picture, to work one area, for instance, the powers of reservation in the federal government, or the multiple powers under the BNA Act as they stand at present, and to play one against the other to see how they dovetail, fit in or even clash, and where the resolution will lie, that all has to be done in a committee among people who are interested.



I agree as far as timing on the thing is concerned. I think my colleague, the member for Riverdale, has indicated that that committee should not convene until after Labour Day when the other committees of the House are completed—or when there is a certain amount of elbow room—but convene it should and must, and I would ask for the minister's full participation and assistance in seeing that it does.

Many of us are intensely interested in the problem. We think we can make a contribution. We think that a certain amount of unanimity in that kind of a committee will certainly eventuate. We think that what will be said coming out of that committee would have some kind, we trust, of impact upon the province of Quebec and those who totally dig in their heels and are recalcitrant in this way. They don't even believe we're very intensely interested. They haven't very many grounds so to believe. As I say, throughout the whole election campaign there was hardly a whisper.

When do we address ourselves to the hard facts and the difficult issues that are involved in a way that shows we mean business? Gestures and empty mouthings have lost their effectiveness at this time in history. We would have to indicate what kind of a constitution we would be prepared to negotiate.

I suspect that with some tough negotiation we could come to very substantial agreement with even elements of the Parti Quebecois in Quebec as to the distribution of these powers. They have conceded certain things in monetary policy. Sure, they want to exercise vetoes which is inadmissible, but in the areas of immigration and of trade, there are all kinds of possibilities, but no articulation has been made. We have left it all up to them and their saying, "Well, we'll do this." But it's too narrow and the debate has to be opened up. We begin opening up debates by opening up ourselves, by opening up debates here in this particular forum.

At some point I would suspect we should send a delegation down. The New Democratic Party, from our own caucus, has had members on two occasions make goodwill visits to the province of Quebec to meet as many people as they possibly can, people in high positions in that province, to indicate that here in this assembly there are numerous individuals who are deeply concerned, even some people quite wracked over the possibilities of the issue.

And there is this cursed business of philistinism in the English-speaking press, of doing everything by numbers—the numbers game:

"A poll was taken and only 24.6 per cent said they were in favour of independence." Then all the complacency sets in. We twiddled our thumbs.

That minority there is a concentrated, dedicated crew. The people who run the world are such people. It's those who make up their minds with grim determination, come hell or high water, that a certain end is going to be achieved, who move a populace. In the modern world, where people seem so pre-occupied and lackadaisical over so many issues, that's exactly what happens. We have to forfend and offset that and have people of equal dedication holding this country together. All the flatulency and all the ingrained complacency which I feel is involved in this thing is quite by the board.

Again, I ask the minister to share, in this sense, whatever the statistics may show, we are in grim peril in terms of the integration and the holding together of this country. If the future possibilities of this country begin to disintegrate, it will disintegrate. It is a very difficult country to govern. There are artificialities. We have tried to engender an internal spirit, which has no definition yet. Our writers and artists have not been able—as happens with other nations—to delineate the fundamental attitudes of this people, its temperamental references, its emotional tenor as a nation. I'm sure it's there, but it's there in a state of quiescence. It's bubbling in Quebec a bit, but the sense of quiescence in the rest of the country is deeply disturbing.

As I said, I want to make some reference to points in the Robarts report, because I don't want to be accused of the thing I'm accusing you of—namely, that I'm not getting down to business and putting my finger on elements that have to be discussed and that I'm avoiding discussion for whatever reason.

When the Pepin-Robarts report came out it was received with faint praise. It got very little press. It got very little attention. In Ottawa, you could well understand it. Trudeau simply put it in the bottom vault. It didn't say what he wanted it to say.

His ideology—and at least it rises to the dignity of a concept—is that a very powerful, continuous central government is necessary, and there will be no sacrifice of powers at the central focus whatsoever. The provinces may howl around the door, but he is going to hold at the Ottawa focal point the primary powers in this country—economic and otherwise. There's a certain lordly air about that, the crown prince of Bessarabia is going to run the show. He's been repudiated for that imperial stature. We all find that.



But the report has also helped to alienate Quebec and to sharpen the issues of division in this country; there's no question about it. You just don't approach that. When the glaring facts of life with respect to fisheries policy, with respect to language rights, with respect to immigration—as to who has control and who doesn't—with respect to television, in the French language or otherwise and the auto-determination as to who produces the programs and with respect to the whole gamut of the constitution are in question because of technological change and because of the changing evolution and tenor of our people, you just won't come to terms with it.

[1:00]

What happened to you fellows, what happened to the Ontario government, with all the prestige that I would have anticipated John Robarts would have brought to this thing? You too have sat enormously quiet about it. Probably the reason for your doing so is that you're not quite sure. It's not because, as I say, your thinking has risen to the dignity of a concept. It's not conceptual yet. We're trying to give it substance, form and meaning. Besides, it didn't suit your purposes.

To the extent that it had any articulation at all, it ran counter to certain basic, emotional feelings, the subterranean kind. I call it the United Empire Loyalist complex. It might offend certain segments of this province to give any cognizance to, or even to weigh the possibilities of Pepin-Robarts, and it will. It can't be helped. You have to

make your choices. Do you desire to keep this country in some form and know in which way you're willing to negotiate and offer? The whole position of the Parti Quebecois ought to have been well anticipated by this time by saying, "This is what we're prepared to do."

I say to you, what we're prepared to do at the end of the day, and I would hope it would come out of such a committee as a recommendation, would go a long way to consolidating this nation and to meeting the legitimate demands of the recalcitrant elements in the province of Quebec. We haven't even tried. We've done nothing. And when people inveigh, as they have done, in the House against the failure to call a debate, the failure to deal with the issue over a long period of time now, it's a part of that tenor, a part of that flow of events moving in your party.

You're usually fairly forthright and you come forward with fairly developed policies. At least you give us something to sink our teeth into. In this issue—

**Mr. Deputy Chairman:** I don't wish to interrupt the member but I do draw his attention to the time. I'm enjoying the remarks, and I'm sure the House is enjoying what you're saying too, but I do draw your attention to the time.

On motion by Mr. Warner, the committee of the whole reported progress.

The House adjourned at 1:04 p.m.



## APPENDIX

(See page 2732)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## MARKHAM AREA SCHOOL NEEDS

**182. Mr. Stong:** Will the minister act upon the request of the Community Association for Unionville Secondary Education (CAUSE) to provide a new high school in Unionville? Will the minister review the development applications which provide for approximately 3,000 new homes in Unionville, 2,000 in Risebrough and 3,300 in Markham, the result of which will not only overcrowd both Markham District High School and Thornlea High School, but would call for the immediate construction of a secondary school in the Unionville area? Will the minister immediately undertake to satisfy the need of the secondary school students in Unionville to be educated in their own community? [Tabled May 16, 1979.]

**Hon. Miss Stephenson:** (a) The Ministry of Education is pleased to receive input from local community groups such as the Community Association for Unionville Secondary Education, however, the decision to request the construction of new school facilities remains the responsibility of the local school board.

(b) The York County Board of Education is reviewing all development applications in their jurisdiction. This information is used by the board in setting their priorities for school additions. The York County Board of Education in their 1979 capital forecast placed a proposed new secondary school in Unionville in a low priority position, number 14.

When, in the opinion of the York County Board of Education, there are sufficient students to warrant a new high school in Unionville, no doubt the board will apply to the Ministry of Education for approval to build. The present forecast by the board projects the need for a school in Unionville in 1984.

**183. Mr. Stong:** Will the minister act upon the request of the Risebrough Community Association in the community of Markham, Ontario, to provide new and adequate school facilities to meet the growing educational needs in that area? Will the minister inform herself of the situation which now exists, in that projected figures indicate that by September 1, 1979, 1,000 units of the 1,130 units being built will be occupied producing approximately 480 students seeking educational facilities? Will the minister review

the present policy which requires kindergarten children in grades one to five being bused to school in Richmond Hill and which also sees children in grades one to five being bused to a small school where gymnastic and library facilities are non-existent? Will the minister immediately review and provide adequate facilities in this community to meet the educational demands which will be in existence by September 1, 1979? [Tabled May 16, 1979.]

**Hon. Miss Stephenson:** (a) The Ministry of Education is pleased to receive input from local community groups such as the Risebrough Community Association, however the decision on whether or not new school facilities are needed, their size and location, is the responsibility of the local school board.

(b) The York County Board of Education is monitoring all new housing in the area and is developing enrolment projections to be used in setting their priorities for future building needs.

(c) Until a new subdivision is established, the size and location of new facility requirements are unknown. During the development period children are often bused to available space in nearby schools which allows the school board time to plan their new facility needs.

(d) When the actual need for additional accommodation for the Risebrough area is known, the York County Board of Education will apply to the Ministry of Education for approval to build.

**184. Mr. Stong:** Will the Minister of Education cause an investigation to be made into the overcrowding conditions which exist at the German Mills Public School in Markham? Will the minister explain the policy of the ministry which appears to prefer the busing of pupils to distant empty classrooms in the regional municipality of York rather than construct new facilities or add on to existing facilities where circumstances warrant? Will the minister review the policy of the ministry which requires that prior to the building of a school, there exist sufficient number of children in the area to equal 80 per cent of the projected capacity of the said school and apply that formula to the building of a school on the Flowerdale site in the town of Markham, in order to accommodate the excess enrolment in the German Mills Public School which is equal to 123 per cent of that school's designated capacity? Will the minister review the immediate need for a new school on the



Flowerdale site in the light of projected figures over the next five years which indicate that school-age children in the area will increase to approximately 900, and which figure does not take into account the fact that there is presently before the Ontario Municipal Board an application by a developer to build in the area an additional 190 townhouses? If this project is allowed to proceed the projected figures indicate that school enrolment will not decline until 1995. Will the minister initiate a policy which would provide architecturally acceptable but movable school buildings to accommodate the shifting need of the school population? How does the minister reconcile the ministry's policy of fiscal restraint which includes busing and which dictates against the welfare of children, with the more important need of providing adequate facilities so that the educational and social needs of children may be properly met in their own community environment? Will the minister therefore satisfy the needs of the children in the German Mills area of Markham and build a second school on the Flowerdale site? [Tabled May 16, 1979.]

**Hon. Miss Stephenson:** (a) The Ministry of Education is presently monitoring the situation at the German Mills Public School in Markham.

(b) When circumstances warrant, new or additional facilities are authorized. As subdivisions are developing, children are often bused to empty facilities elsewhere in the jurisdiction while new student places are being planned and built.

(c) The German Mills Public School has a capacity of 616 pupils. The present enrolment (April 30/79) is 731. The extra pupils are housed in eight portables with a capacity of 270 pupils. The additional 115 pupils is not a sufficient number to warrant the construction of a new school.

(d) An addition to the Bayview Fairways Public School is planned by the York County Board of Education. This will relieve overcrowding at the German Mills school and provide sufficient accommodation to meet expected enrolment increases.

(e) The Ministry of Education encourages the use of relocatable school buildings. These are presently available and being used by a number of school boards.

(f) Adequate facilities will be provided as the need is evident. Busing of pupils to schools with empty space is an efficient use of facilities as an interim measure.

(g) The ministry, in co-operation with the York County Board of Education, is working to satisfy the need for additional school accommodation in the German Mills area of

Markham by allocating money for an addition at the Bayview Fairways Public School, which is adjacent to the German Mills area.

#### LAKESHORE PSYCHIATRIC HOSPITAL

**141. Mr. Lawlor:** Does the Minister of Health not know or does he not agree that general hospitals cannot provide the specific kind of care or services that psychiatric hospitals can and do; that they attend upon and to different and distinct groups of patients in terms of length of care and the seriousness of the emotional disability? [Tabled April 19, 1979.]

**142. Mr. Lawlor:** Does the Minister of Health seriously contend that the Queen Street facility can or will into the future meet the projected increasing demands for hospitalization for the mentally ill as is documented in the McKinsey report and as set out in the OPSEU brief which points out a deficiency of beds almost before you begin? [Tabled April 19, 1979.]

**143. Mr. Lawlor:** What about the day care and particularly the outpatients services at Lakeshore? Does the Ministry of Health seriously pretend that the present needs, much more the future requirements, of these people will begin to be met? [Tabled April 19, 1979.]

**144. Mr. Lawlor:** Does the Minister of Health not recognize on the basis of your own statistics that a new hospital will be necessary, no matter what, within a foreseeable time; and at a very much greater capital cost, including the acquirement of land, than as recommended in the role study? [Tabled April 19, 1979.]

**145. Mr. Lawlor:** How can the Ministry of Health possibly close the special observation unit which attends to patients under Lieutenant Governor's warrants? [Tabled April 19, 1979.]

**146. Mr. Lawlor:** What is the Ministry of Health thinking about in removing the dialysis unit to Whitby when the patients are located at the other end of the world? [Tabled April 19, 1979.]

**147. Mr. Lawlor:** Since it was found impossible over a two-year or greater period to find a location for the child and adolescent care unit and that institution will remain on the grounds, what basis is there for a belief that the numerous other units can be accommodated elsewhere in the Lakeshore area? Where? And, in particular, the present valued and necessary alcoholic program? [Tabled April 19, 1979.]



**148. Mr. Lawlor:** What disposition does the Minister of Health intend to make of that building which was financed and constructed by the volunteers, who have been such a valuable asset to this hospital? [Tabled April 19, 1979.]

**149. Mr. Lawlor:** Cannot some use be found by the Ministry of Health for the workshops and rehabilitation equipment and facilities fairly recently erected on the premises at considerable cost? [Tabled April 19, 1979.]

**150. Mr. Lawlor:** In short, and as constantly new questions arise, does the Minister of Health not realize or even acknowledge that he is in the process of making a gross and irreparable blunder which his government will soon learn to regret, in his unplanned and ill-considered move to close this facility against the best advice of his own hired consultants, \$120,000 worth, and the numerous, most directly involved social agencies and individuals? [Tabled April 19, 1979.]

**151. Mr. Lawlor:** Is the Minister of Health not now prepared to reconsider the closing of Lakeshore Psychiatric Hospital on the basis of the numerous observations and comments made at public meetings, by way of correspondence and by briefs submitted, particularly by the Ontario Public Service Employees Union? [Tabled April 19, 1979.]

**152. Mr. Lawlor:** Since I am often awakened at 3:00 a.m. in the morning by someone calling about a problem, and this has been known to happen to many other members of the Ontario Legislature, does the Minister of Health really feel that such a disturbance of his sleep constitutes adequate grounds for closing the institution, as he intimates by his repeated, soulful reference to this matter? And in particular, does a fire arising out of actions of a patient in the special observation unit so constitute any or adequate grounds? [Tabled April 19, 1979.]

**153. Mr. Lawlor:** Will the Minister of Health not give good consideration to the perfectly reasonable suggestion made by the member for Lakeshore that a planned, phased approach to this whole problem would be the best solution for all concerned? That is to say, that a new psychiatric hospital having, say, about 150 beds at its completion, be gradually constructed over a period of five to 10 years and that at each stage of completion, the more serious patients be moved from the older quarters into the new thereby retaining the full complement of present in and outpatients services without disruption and located on such portion of these extensive grounds as would free the balance for such approved community pur-

poses as would meet the needs of the area? [Tabled April 19, 1979.]

**Hon. Mr. Timbrell:** These matters were thoroughly discussed by the standing committee on social development upon reference of the annual report of the Ministry of Health to that committee. In particular, see my contributions to the committee on Monday, May 14, and Tuesday, May 15, 1979 (Hansard, pages S-442-453 and S-457-475).

#### X-RAY EQUIPMENT OPERATORS

**197. Mr. Cassidy:** Would the Ministry of Health advise how many persons are employed as operators of X-ray equipment in Ontario? Of these, how many are registered radiological technicians under the Radiological Technicians Act? [Tabled May 24, 1979.]

**Hon. Mr. Timbrell:** More time is required to provide this information and an answer will be tabled on approximately June 22, 1979.

#### PCV LICENCES

**204. Mr. Conway:** Will the Minister of Transportation and Communications provide a list of all PCV class R licences granted in region four since September 1, 1978 to the present date? [Tabled May 28, 1979.]

**Hon. Mr. Snow:** In response to the member's question, attached is a listing of class R operators who have been authorized to provide a service to region four, Eastern Ontario. All of the licences were either issued or amended subsequent to September 1, 1978.

Three qualifications are made with respect to this listing, namely:

1. The government automated statistics file from which the listing was extracted includes only the original date of issue of the licence or the most recent date of any subsequent amendments without an indication of which applies. It is, therefore, not possible without a review of all of the original licence documents to confirm whether the licences are newly granted or amended. If the member requires such a distinction, the search of the approximately 100 licences will be made.

2. The maintenance of the automated listing was discontinued as of April 12, 1979 and thus includes no issues/amendments after that date. As for the above, a manual search can be carried out at some considerable expense of time.

3. The listing consists of any operators authorized in region four regardless of the place of residence of the operator.

Class R PCV operator listing, region four, granted or amended September 1, 1978 to April 12, 1979: Stamp, Ross E.; Buckhorn



Sand and Gravel Limited; Shepstone, Frederick S.; Baynham, Hugh; Sexsmith, Vernon R.; Brumm, Douglas E.; Maheral, Bruce; Young, Alphonso; Whittemore, Edwin J.; LaMarsh, Kaye D.; Tomlinson, Ralph William; Steele, Gary W.; 382485 Ontario Limited; Hannivan, Leslie Austin; L. Steele Cartage Limited; J. M. Grant Contractors Limited; Canada Transport Limited; MacGillivray, Ross R. and Vallance, James M.; Louis McNichol Trucking Limited; W. B. Kennedy Cartage and Equipment Limited; George W. Drummond Limited; Whyte and Son Trucking Limited; Moerob Limited; D. L. Macdonald Construction Limited; Northland Jobbers Limited; Dunlevie, Norman H.; Cashion, James A.; Grills, Lorne C.; Rallison, Fred M.; Finlay, Ross A.; Vanhamburg, Larry; Don Anderson Haulage Limited; Crickmore Trucking Limited; Robert E. Young Construction Limited; Cooney, William T.; Dave Scott Haulage and Excavating Limited; Neill Murray Allan O/A Murray Neill Haulage; Mlikan, Joseph; Boomhour, Ivan P.; Harold F. Smith and Son Cartage Limited; W. W. Siegel Sand and Gravel Limited; William J. McKendry and Sons Limited; Arbuthnot, Laurie; Genier, Serge; Baynham, Lelland R. Senior; Minogue, Norman E.; Bayn-

ham, Lelland R. Junior; Ricciuti, Mario; Sheldrick, Lyle J.; Fournier, Florian; Lemery, Leo P.; Bourgon, Hector; Waddell, Spencer H.; Wiles, Ray F.; Crain, John R.; Lloyd McMillan Equipment Limited; Dore, Germain; Rhinhold Dament Limited; Tooley, Charles; Lance, Leslie; Champagne, Charles E.; Hutchings Sand and Gravel Limited; Persaud, Bheem; Brooks, Norman E.; Hanniman, James Gregory; Purdon Excavating and Haulage Limited; Healey, Florence; Meloche, Jean Guy; English, Eugene T.; Gascon, Jean-Claude; Green's Holdings (Arnprior) Limited; White, Allen D.; Petit, Roland; Hagerty, Orville; Muscillo Transport Limited; Ellis, Gordon; Umpherson, Allan Arthur; Bowes, Stanley; Dumoulin, Richard; Bertrand and Frere Construction Company Limited; Robert, Yvon; George Ritchie Limited; Boldt, Wilmer G.; Glentworth, John; Moise, Gerard A.; Bucam Cartage and Construction Limited; Casselman, Thomas A.; Lewis, Donald Ross; Petit, Claude; Casselman, Robert G.; P and Z Haulage Incorporated; Carisse, Jacques; M. Levesque and Son Cartage Limited; 360614 Ontario Limited; Bang's Brothers Limited; McCallum, Lyle; Arcan, Leo H.; Sun City Associates Incorporated; Philippe, Archie.



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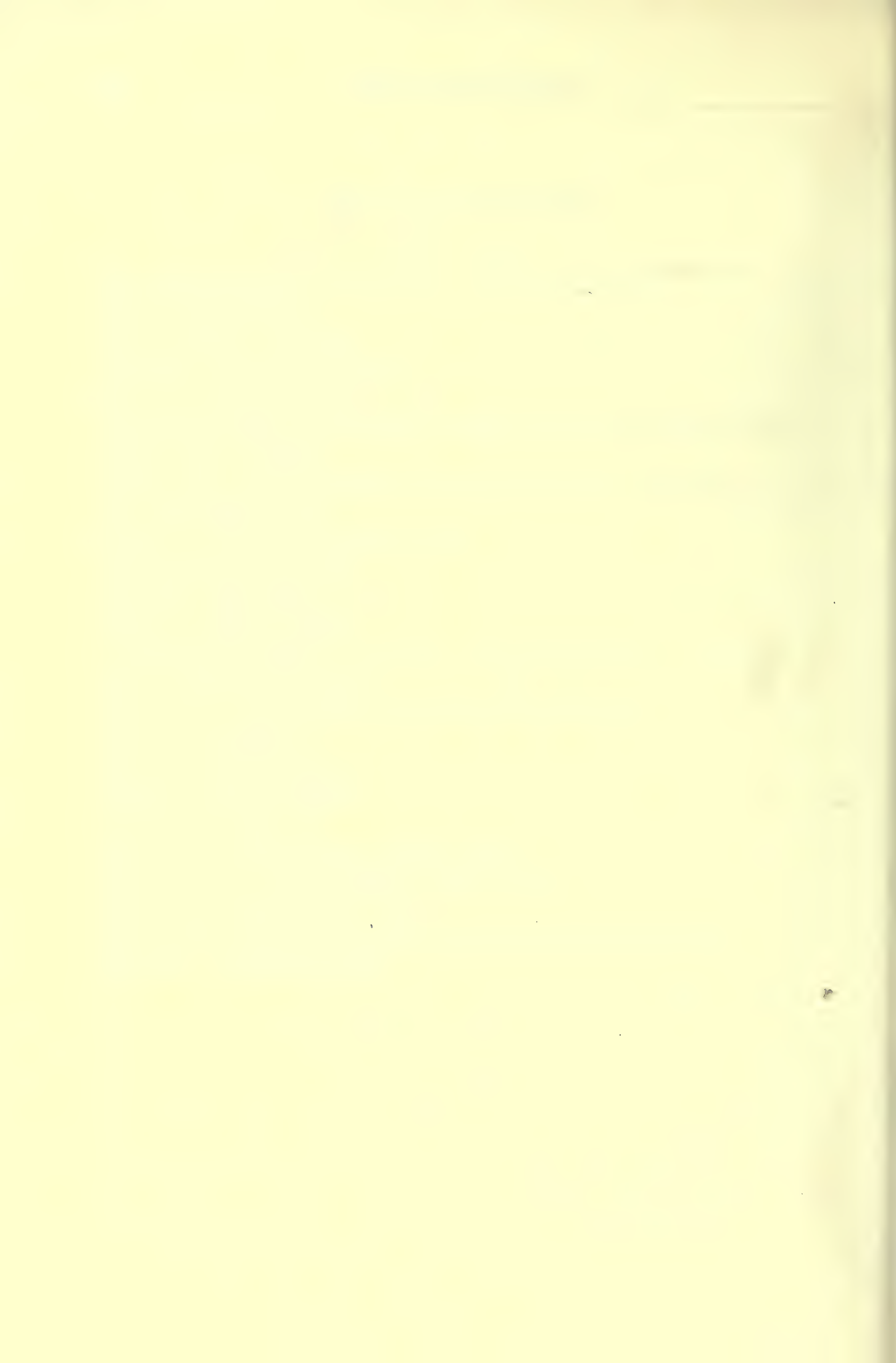




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No. 68

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Monday, June 11, 1979

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

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MONDAY, JUNE 11, 1979

The House met at 2 p.m.

Prayers.

### PUBLIC OPINION POLLS

**Mr. Speaker:** If I could, I would like to have the attention of all honourable members for a moment or two.

On Thursday last, June 7, the member for Rainy River (Mr. T. P. Reid) asked me to consider as a point of order whether the government was, in fact, complying with standing order 32(c) in not tabling as part of the compendia on the introduction of government bills those opinion polls which the various ministries have had taken from time to time.

I have considered the question very carefully and I fail to see how I can be expected to know what was, or what was not, the background information considered by a minister and his staff when preparing legislation. The minister tables what he considers to be the compendium required by the standing order, and there is no way that I can look behind his decision.

### PHOTOGRAPHIC GUIDE TO THE LEGISLATURE

**Mr. Speaker:** I would also like to bring to the attention of all honourable members that this coming Thursday morning between the hours of 11:15 and 11:45, I have arranged for a photograph to be taken on the front lawn of all members and staff who work in this Legislative Building. Her Honour has graciously consented to take part, as has the Premier (Mr. Davis), the Leader of the Opposition (Mr. S. Smith) and the leader of the New Democratic Party. This photograph will be used in the first photographic guide to be produced on the Legislature, which will be released early in October. I am enthusiastic about this event, and I think all those employed in this building will want to be a part of this permanent record.

I would also like to point out that official photographs for the handbook will be taken during question period in this chamber on Thursday afternoon from a number of vantage points, and I would suggest that all members be present, if humanly possible, at that time.

**Mr. S. Smith:** May I rise on a matter of privilege, please, Mr. Speaker?

**Mr. Speaker:** I don't know how your privileges could have been abrogated by either of those statements, but go ahead.

**Mr. S. Smith:** Just thinking of that mass of people on the front steps shook me.

### MEMBERS' ANNIVERSARIES

**Mr. S. Smith:** Mr. Speaker, I rise because I understand that today is the 20th anniversary of the election to this House of certain members. In particular, to begin with, I want to mention the member for Windsor-Walker-ville (Mr. B. Newman), who is celebrating his 20th anniversary. I want simply to say that member has been a very forthright and forceful representative for his constituents and has conducted himself in this House, and in his personal relationships with members of all parties, in a very gentlemanly way and has been a real credit to the entire political process in the province of Ontario.

As members know, he is a man who contributed greatly to our country in the training of gymnasts as well as in his educational career. While not wishing to take excessive time to go into all his contributions, I want simply to say that he has served Windsor well, he has served Ontario well, he has served Canada well, and we trust he will have many more years to serve all of us in this Legislature.

While I am on my feet, may I also say a word about two members opposite who are also celebrating their 20th anniversary. We certainly want to wish both of them very well. One is the member for Hastings-Peterborough (Mr. Rollins), who is in his seat. The other is the member for Brampton (Mr. Davis), who is not here at the moment, but who we all wish only the best at this time.

**Mr. Cassidy:** Mr. Speaker, as a student of the classics, I am sure you know that when great events occur there are signs and portents, usually meteorological portents. Anyone who experienced the rain storms of last night or the tornado that occurred over Brampton will know that there was some kind of a heavenly commemoration of the event



that occurred 20 years ago to the member originally for Peel and now for Brampton.

I might say, in congratulating him on his 20 years of service, along with the member for Windsor-Walkerville, that of course that does not necessarily mean we wish him as many years in the future as we have wished him well for the past.

**Mr. Breagh:** Twenty and out.

**Mr. Cassidy:** That's right. That's a good slogan.

I do want to say, though, that since he has been in the House for only 20 years we resolve not to hold him responsible for everything that has been done by the Conservatives over the time they have been in power.

While I am on my feet, I might mark the fact that Saturday last was the 24th anniversary of the election to this Legislature of my friend and colleague and our former leader, the member for York South (Mr. MacDonald), along with the member for Wellington South (Mr. Worton). They have spent 24 years in the House.

**Mr. Yakabuski:** Mr. Speaker, on this occasion when we are recognizing the anniversaries of certain members elected to this Legislature, I think we are also recognizing the birthday of probably the oldest living former member of this Legislature, the former member for Renfrew South, the Honourable Thomas P. Murray, who celebrated his 99th birthday yesterday.

Mr. Murray happens to be the grandfather of the member for Renfrew North (Mr. Conway). Just Thursday morning last we were at Sutton Place at the Ontario Forest Industries Association meeting. They remarked in their opening talks that morning that because of conditions in the industry back in the early forties that association had been formed.

I have before me the minutes of the meeting that took place on March 12, 1940, at which the Honourable Peter Heenan, then Minister of Lands and Forests, and other notable members of the Legislature, including Mr. Murray, and representatives of various forest industries were present. At that time, they discussed the many problems facing the industry. From that meeting was born, I believe, the Ontario Forest Industries Association. I am sure Mr. Murray played some part in that. Yesterday the honourable gentleman celebrated his 99th birthday.

**Hon. Mr. Henderson:** On rising today on behalf of the government, I would first have to concur with the remarks of the Leader of the Opposition, the leader of the New Democratic Party and my good friend from Renfrew South.

On this side of the House, we feel very proud that 20 years ago this particular election took place. I would have to say I was quite actively involved in that election on June 11, 1959.

**Mr. Breagh:** For which party?

**Hon. Mr. Henderson:** The House would really not believe me if I openly admitted to them that I worked for all the parties on that particular day.

**Mr. Breagh:** That doesn't surprise me a bit.

**Hon. Mr. Henderson:** I was the returning officer. I would have to admit that I did have some personal feelings with respect to it.

**Mr. McClellan:** Recount.

**Hon. Mr. Henderson:** The Premier of Ontario was elected to the Legislature at that time. Since his election there have been many changes in Ontario and he has played an active role in those changes. We in this party, as part of the government, believe our Premier will continue serving, serving, and serving again. When one looks back over at these three members who were elected 20 years ago, one sees they have now successfully completed six elections. That in itself is a record. We are very proud, first of our Premier, but also of all three of them. We offer our congratulations to all of them on the service they have given to the people of Ontario and to their own home ridings.

**Hon. Mr. Davis:** I would like to thank the Leader of the Opposition. I heard some of his comments through one of those mechanical devices and I do say to him that they were probably the most objective observations he has made in recent years.

As I was moving through the offices, I heard through another speaker the observations of the member for Ottawa Centre. I do thank the two leaders opposite for their kind words. I thank my colleague, the former returning officer in Lambton county.

[2:15]

**Mr. Nixon:** He is the returning officer in Peel.

**Hon. Mr. Davis:** No, although I would say to the former leader of the Liberal Party during my first election, thinking back, I wish the member for Lambton had been the returning officer in Peel.

I also want to extend my best wishes to those others who share this anniversary with me on both sides of the House. I know I speak for them when I say it seems most days like only yesterday. Other days, it seems like quite a bit longer.



I would also like in this House, Mr. Speaker, through you, to say a word of appreciation to the citizens of the now city of Brampton, the then county of Peel for the support I have enjoyed from them for this relatively short period of time. I listened carefully to the observations of the Minister of Government Services. While no one can predict with any degree of accuracy how long one stays in public life, I can only say while there are some days I maybe feel a little differently, I have always enjoyed the fellowship in this House, the spirit of competitiveness and the fair play usually demonstrated by the members opposite. I do wish to express my appreciation to them on this occasion.

Twenty years in any person's lifetime is a substantial part thereof, and yet I think I can speak for every member in this House when I say I can't think of many other professions, callings or vocations where one gets the same sense of satisfaction as one does in public service. I really have very few, if any, regrets for the time I have spent in public life. I say that on a personal basis. It doesn't necessarily reflect the views of my wife, my five children, or the two dogs.

Through you, Mr. Speaker, to the members opposite, my appreciation.

**Mr. B. Newman:** On this most important day in my life, I would like to first thank my leader, the member for Hamilton West, for his kind comments as well as the leader of the third party, the member for Ottawa Centre, and the other two members who have had the opportunity of making a few comments.

Not like the member for Lambton who was once a returning officer, I happen to be very fortunate in being a returning member, for which I thank the good citizens in the great riding of Windsor-Walkerville.

When one looks back at political life, I could say I'm one of the successful failures. In 20 years I've been successful at elections but never have been successful in taking those 15 or 20 steps over to the other side of the House.

**Mr. Nixon:** Next time.

**Hon. Miss Stephenson:** Oh come on Bernie, any time. Any day.

**Hon. Mr. Norton:** Then it would be the most important day of your life.

**Mr. B. Newman:** But hope springs eternal in the human breast and I know in the not too distant future the good citizens of Ontario will see that not only myself but the rest of us here in the Liberal caucus have that opportunity of seeing what it is like over there and looking at our counterparts on this side of the House.

**Mr. Bradley:** In fact, you will want to join us then.

**Mr. Hennessy:** I've got my own party.

**Mr. B. Newman:** One of the nice things in public life is that you have the opportunity of meeting so many nice people on a personal basis. You meet citizens who may have problems and others who may not and as a result of one's political position, be quite often able to render them assistance.

Another very pleasant thing is you meet so many nice ladies and gentlemen right here in this Legislature.

**Mr. Nixon:** That covers about 10 per cent.

**Mr. B. Newman:** I want to thank each and every one of them for the kindnesses they have extended to me in the past and for the kindnesses I know each of them will extend in the future.

**Mr. Rollins:** I would like to take this opportunity of thanking the Leader of the Opposition and our Premier for their kind remarks.

My riding was Hastings East when I started. Later it was Hastings, and at the present time it's Hastings-Peterborough. I have been very fortunate to have the support of the good people of those rural ridings. It has been a pleasure working with elected members of different political views, always with the one objective of working on behalf of the people of Ontario in a progressive way. After all, how could they do anything else under the leadership we have had from the previous Premiers of Ontario for that last 20 years?

I can only say that being elected here has given me a lot of experience. I have tried to serve the rural people, and sometimes I believe the Premier wonders what will happen next in the rural ridings. However, rural municipalities and the positions they take have been an objective of mine and will continue to be so.

I would like to thank you for this opportunity of saying a few words on this very memorable day and what it means to me after being elected at the same time as our Premier. I have had the greatest respect for his views and the objectives he's had for the people of this province and I will continue to do so.

#### NANTICOKE CONTRACT

**Mr. Cassidy:** I have two brief points of privilege I would like to raise in the House. Last Friday, the Minister for Industry and Tourism (Mr. Grossman) stated that Ministry of the Environment officials had visited, three times, the company Canadian Applied Tech-



nology, about whose loss of contract we were inquiring in the Legislature. The minister said all of their products were seen both in preparation and under test prior to delivery, so the site was visited on three occasions.

We have talked to the company and to their knowledge, neither during nor before the final award of that contract were there any such visits to their premises by officials of the Ministry of the Environment.

### X-RAY EQUIPMENT OPERATORS

**Mr. Cassidy:** Also on a point of privilege, last week the Minister of Health (Mr. Timbrell) responded in writing to a question which came from me about operators of X-ray equipment in the ministry's chest X-ray clinics. The minister said in his written reply that discussions are underway with the Ontario Society of Radiological Technicians to find a method of upgrading the unregistered employees to enable them to become members of the OSRT. The response indicated that all but nine of those employees are now unregistered.

We have spoken to the president of the Ontario Society of Radiological Technicians who tells us that no such discussions of the kind mentioned by the Minister of Health are taking place with respect to upgrading unregistered employees. A training course offered by the ministry to those employees is not recognized by the society and will not be accepted by them. This is a misstatement by the Minister of Health.

**Hon. Mr. Timbrell:** Mr. Speaker, I will be glad to document the dates of meetings that were held. I know that within the last month or so, Dr. Rorabeck wrote to the society to confirm various discussions. I will be glad to document dates to confirm this.

The understanding of the people who advise me is that they are to come back to us with a proposal as to how to assist those people who meet the present regulation but who are not registered in the society to become registered.

### STATEMENTS BY THE MINISTRY

#### EMISSIONS OF TRITIUM

**Hon. Mr. Auld:** I would like to deal with the questions raised in this House on May 31 concerning the level of tritium in the drinking water of the town of Pickering. I would also like to deal with some additional questions which members have had and may have concerning emissions of tritium from Rolphton, Pickering A, Bruce A and

Douglas Point. Before dealing with these questions, however, I would like to provide members with some background information concerning tritium.

Tritium is a type of radioactive hydrogen which emits very weak radiation and which interacts with the tissues of the body only if it is inhaled or ingested. Of all the radioactive substances known, tritium is considered the most innocuous, for the following reasons:

1. The amount of radiation released when it undergoes radioactive decay is less than that released by any other nuclide:

2. It does not constitute an external radiation hazard, because its radiation does not penetrate the skin;

3. It is eliminated from the body rapidly—one half is eliminated every 10 days; and

4. It does not concentrate in any particular organ of the body.

Tritium is produced in nature by the interaction of cosmic rays with the earth's atmosphere and, therefore, is found naturally, in varying quantities, in air, water and vegetation. Naturally-occurring tritium is one of many radioactive substances which emit ionizing radiation to which mankind is constantly exposed.

Nuclear generating stations can and do emit tritium into the environment, in both airborne and water effluents. These emissions are the result of very small but unavoidable heavy-water leaks. The result is slightly higher levels of tritium than would otherwise be the case from naturally occurring tritium alone.

To protect the public, the Atomic Energy Control Board has established two types of limits: one dealing with the maximum levels of radioactive materials in any effluents emitted from nuclear generating stations (these are called "derived emission limits"); the other dealing with the maximum level of radiation which a member of the public can be exposed to as a result of the operation of nuclear generating stations (this is called "the maximum permissible dose of ionizing radiation").

The derived emission limits set by the AECB for tritium are as follows.

1. For tritium contained in airborne effluents, an annual average of 0.3 nanocuries per litre; and

2. For tritium contained in water effluents, an annual average of 5,500 nanocuries per litre with no short-term emissions to exceed 10 times the annual average.

For honourable members' information, nanocuries per litre is a measure of the level of radioactivity in a litre of air or water; a nanocurie is one billionth of a curie.



The maximum permissible dose of ionizing radiation set by the AECB is 500 millirem per year. This is about five times the level which would be received from naturally occurring ionizing radiation in Ontario. In some areas of the world, the level which would be received from naturally occurring ionizing radiation is 5,000 millirem per year or even higher.

As members are aware, Ontario Hydro has established an operating target for its nuclear generating stations. That operating target is to remain within one per cent of the annual derived emission limits and the maximum permissible dose of ionizing radiation set by the AECB.

Ontario Hydro monitors the airborne effluents and water effluents from its nuclear generating stations to determine the level of any emissions of radioactive materials, including tritium. Airborne effluents are sampled continuously and measured daily. Water effluents which are likely to have become radioactive in the course of normal operations are sampled and measured before, and continuously during, their release. Water effluents which are not likely to have become radioactive in the course of normal operations are sampled continuously and measured weekly.

In addition to its station activities, Ontario Hydro monitors the drinking water of the Bruce nuclear power development and the towns of Deep River and Pickering and just recently commenced monitoring the drinking water of the towns of Port Elgin and Kincardine. At Pickering, Port Elgin, Kincardine and the Bruce nuclear power development, the drinking water is sampled weekly and measured monthly. At Deep River, the drinking water is sampled and measured on a spot basis, but no less frequently than monthly. [2.30]

I have attached to this statement a series of tables showing the following:

1. The average annual emissions of tritium in airborne and water effluents from Rolph-ton since 1973; Pickering A since 1971; Bruce A since 1976; and Douglas Point since 1973;
2. The average annual level of tritium in the drinking water of the town of Deep River since 1975; the town of Pickering since 1973; and the Bruce nuclear power development since 1975;
3. The average level of tritium in the drinking water of Port Elgin and Kincardine for the first quarter of 1979; and
4. The level of tritium in Lake Ontario at various times over the past 30 years.

As members will note, none of the average annual emissions of tritium from Rolph-ton, Pickering A, Bruce A or Douglas Point A has

exceeded Ontario Hydro's operating target of one per cent of the AECB derived emission limits. As members will also note, the average annual level of tritium in the drinking water of the towns of Deep River and Pickering over the period 1973-78 did not exceed two nanocuries per litre. To put this into perspective for members, a person would have to drink the towns' water for about 450 years to receive a level of radiation equal to a single chest X-ray.

**Mr. S. Smith:** Which X-ray machines are you speaking of?

**Hon. Mr. Auld:** Finally, members will note that the level of tritium in Lake Ontario has varied over the past 30 years. For example, prior to the commencement of the foreign nuclear weapons testing programs in the 1950s, the level of naturally occurring tritium in Lake Ontario water was about 0.02 nanocuries per litre. These nuclear weapons testing programs raised this level to about 10 nanocuries per litre in the early 1960s. However, by the late 1960s, the level had receded to about 0.75 nanocuries per litre, and today the level varies from 0.25 to 0.50 nanocuries per litre, depending on where one takes samples.

I should point out to the members that the figures for the emissions of tritium in the airborne and water effluents of Ontario Hydro's nuclear generating stations, shown in the attached tables, are annual averages. Over the course of a year the levels of the emissions can and do fluctuate. Normally, these fluctuations are small. However, there can be, and sometimes are, short-term emissions which are higher. For example, during the period of the recent and much publicized heat exchanger leaks at Pickering A earlier this year there were short-term emissions of higher concentrations of tritium in the station's water effluent. One of these emissions—in fact, the only one in the history of Pickering A—exceeded the AECB's short-term release limit of 10 times the annual derived emission limit.

That emission occurred during an 80-second period on February 28, 1979, when the level of tritium in the station's water effluent reached 40 times the AECB's short-term emission limit. I should emphasize to the members, however, that both before and after this 80-second emission the level of tritium in the station's water effluent was less than one per cent of the AECB's short-term emission limit.

For members' information, Ontario Hydro sampled and measured the drinking water of the town of Pickering for a period after this short-term emission. The samples showed that



the level of tritium in the drinking water of the town of Pickering rose to a level of 60 nanocuries per litre, or about one per cent of the AECB limit, for about six hours. This compares with the average level of tritium in the town's drinking water for the first quarter of 1979 of 2.6 nanocuries per litre, or about 0.05 per cent of the AECB limit.

Ontario Hydro has advised me that it notified AECB of the short-term release promptly after it happened. As is Hydro's usual practice, details of the release will be made public in Pickering's quarterly report for the first quarter of 1979, which will be released soon.

Finally, I would like to describe briefly to the members the level of radiation from tritium to which a person residing in the vicinity of one of Ontario Hydro's nuclear generating stations is likely to be exposed. There are three ways in which a person living in the immediate vicinity of a station can receive a radiation exposure from tritium: in the air he or she breathes; in the water he or she drinks; and in the food he or she eats.

Ontario Hydro estimates that a person who resided continuously at the boundary of Pickering A during 1978, drinking only the town of Pickering's water and eating food-stuffs grown in the immediate vicinity of Pickering A, would have received a radiation exposure from tritium of less than two millirems, and a total radiation exposure from all radioactive emissions of between two millirems and three millirems.

Again, to put this into perspective for the members, this would be a radiation exposure equivalent to the additional radiation exposure a person would receive during a one-way jet flight from Toronto to Vancouver.

Finally, I would like to advise the members that extensive research has been carried out on the relative biological effects of tritium, both in Canada, at the Chalk River and Whiteshell nuclear establishments, and in other countries. A bibliography of this research is attached to the statement.

#### VICTIM AID SERVICE

**Hon. Mr. Walker:** Mr. Speaker, I am pleased to announce that beginning this month, your government, through the Ministry of Correctional Services, in co-operation with various community agencies, will be piloting a new service to help the victims of crime. The region of Peel has been selected as the test area for this victim aid service.

I am confident all members agree on the need for such a service. For too long, people who have had crimes committed against them have often been the forgotten losers in our

criminal justice system. Our discussions with various groups in Peel, ranging from police and judges to the volunteer bureau and the local social services department, confirm strong community support for this new initiative.

For \$40,000 in its one-year trial period we will be able to offer direct, concrete help to victims through community resources, rather than inventing a new government bureaucracy at great expense to the taxpayer.

Robert Thompson, a former United Church minister, and a Brampton probation/parole officer, will be the project co-ordinator. Working with him will be 20 people from the Brampton Volunteer Bureau, who will be able to assist up to 250 victims of crime over the next 12 months.

The Peel regional police will let our co-ordinator know, on a 24-hour basis, when assistance is needed. The trained volunteer aides will then provide a number of vital community services. These include cleaning up property damage, resealing victims' homes, contacting friends and relatives and, in certain instances, providing crisis counselling to ease emotional stress.

They will steer victims through appropriate government agencies for assistance in temporary housing or babysitting services. They will disentangle financial problems by contacting creditors if debt payments will be delayed. They will contact employers if victims require time off work. They will help to file insurance claims. And, in incidents of personal injury, they will assist victims in filing applications to the Criminal Injuries Compensation Board.

The project will offer aid in the trial process, where victims will be counselled on such matters as subpoenas, and their responsibilities as witnesses. Referrals for legal assistance will be expedited when required, volunteers will offer transportation to and from courts, an escort service during court proceedings, and will help collect witness fees or arrange child-care services. If a judge orders an offender to repay the victim, the volunteer will facilitate the collection of restitution money.

This project is consistent with other efforts by the Ministry of Correctional Services to recognize the rights of victims. Our probation and parole service has extensive community involvement and, as project co-ordinator, is a logical bridge between the criminal justice system and the volunteer movement in helping victims through the trauma and disruption of being robbed or vandalized.

If the new victim aid service is as successful as the agencies in Peel and this govern-



ment believes it will be, we will extend the program to other Ontario communities.

Experience shows that the most effective and human way of delivering justice to the victims of crimes is through community participation. Common-sense caring by qualified volunteers can transcend bureaucratic or legalistic technicalities. Consequently, the Peel victim aid service is another important step by this government in attempting to ensure a fairer balance of justice for both offender and his victim.

## ORAL QUESTIONS

### NANTICOKE CONTRACT

**Mr. S. Smith:** I have a question for the Minister of the Environment on the subject of the company, Canadian Applied Technology, whose bid was turned down by his ministry in favour of Radian Corporation of Texas.

The minister received a letter from the company, dated April 24, 1979, which itemized seven items and contained 12 questions. The minister should know while he was absent, the Minister of Industry and Tourism offered to make public the reasons why this company was turned down but suggested he would rather just tell the leader of the third party and myself privately, because it might hurt the reputation of the company.

Does the minister know we've been in touch with the company and they are quite willing to have any statement the minister might wish to make made publicly, provided the minister does them the courtesy of answering their seven items and their 12 questions, all of which seemed quite reasonable to me? Will the minister, therefore, undertake to provide those answers and also to make public the reasons why this bid was turned down?

**Hon. Mr. Parrott:** When I was away staff did follow up on the question. I think the situation, as I understand it, is as follows: The company is quite prepared for that information to be released on a confidential basis to the member and the leader of the third party; at the moment, there is not full agreement to releasing it publicly. The member and I may not hear exactly the same thing from the company.

On that basis, I think we'd be wise to get permission from the company in writing to be sure there can be no doubt about it. I have no reason why we wouldn't release it to the public, but I do think it's only fair that the company should so direct.

While I am on my feet, Mr. Speaker, and subsequent to the point of privilege raised

by the leader of the third party, I think perhaps the point of privilege should be responded to in this fashion: I didn't have the information at that precise time, but as I understand it the evaluation team, as opposed to people from the ministry, is perhaps our area of disagreement. It is perhaps correct that the evaluation team per se did not visit the company, but there is no doubt the staff of both our ministry and of the Ministry of Government Services did indeed, visit with the company, so I don't think there is any doubt the company has had a visit by our staff and MGS staff during the tendering process, on three occasions.

**Mr. S. Smith:** By way of supplementary: It's obvious the minister is correct that we'll have to get something in writing because he and I differ. Is the minister interested in knowing that an hour ago the company informed us they are quite willing to have the matter made public if he gives them an answer to items one to seven and questions (a) to (l)? I'll table this document if the minister likes so all members can have access to it.

Will the minister provide precisely those answers of which the company has spoken, in which case I am quite certain the matter could then be discussed in public instead of in a private huddle with the leaders of the two opposition parties and the minister?

**Hon. Mr. Parrott:** Certainly I'll review that file. I am not at all sure many of those answers weren't given during our visit. I can't recall instantly whether that letter was prior to or post our visit. Certainly, when that information is there, we don't worry about making it public. If that's the member's concern, it's no problem at all.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Can the minister explain why this Canadian company, which is already well established, should have been turned down only two and a half months after the report by the Minister of the Environment called the Pollution Control Equipment Industry in Ontario, recommended specifically a review of government purchasing power? It contained a report on the possibility of import replacements and a directive to the Ministry of the Environment to further support the Canadian pollution control equipment industry. Does this contract mean the minister has just simply tossed this report out the window or is there a commitment in his ministry to ensure the development of a Canadian pollution control equipment industry?

**Hon. Mr. Parrott:** No, we did not toss that report out; and yes, there is a com-



mitment in our ministry, a very significant commitment. Since the member is asking for the information that really is relevant to the answer I have given to the leader of the Liberal Party, we'll supply that at the same time.

[2:45]

#### PUBLIC OPINION POLLS

**Mr. S. Smith:** I have a question of the government House leader, the Deputy Premier. Does the government House leader know how many government bills and policy statements have been brought before this session of the Legislature which have been based in whole or in part on public opinion polls paid for by the taxpayers of Ontario? Why were these polls not mentioned in the compendium of background information which, according to our rules, accompanies each bill or policy statement?

**Hon. Mr. Welch:** Mr. Speaker, the House leader knows of no such bills that have come before the House or statements based on any information derived in that way.

**Mr. S. Smith:** It's interesting that the House leader would say that, considering that the Chairman of Management Board (Mr. McCague) suggests that these are very fundamental matters and that half a million dollars has now been spent on 23 different polls, all of which have been totally irrelevant to anything that was brought before the House this session by way of bill or policy statement. That's quite a remarkable admission.

Let me ask the Premier, by way of supplementary, since the government has published studies and reports by professional consultants from time to time, when it consults the public through opinion polls, why does it feel that it has to stamp the results "secret"? What's the distinction between professional consultants and consulting the public of Ontario?

**Hon. Mr. Davis:** Mr. Speaker, I think the Leader of the Opposition really knows the answer to that question himself. There is a very real distinction in terms of getting a consultant, say, in the health field or the engineering field to give some advice on a specific subject that relates to his professional competence. The Leader of the Opposition, perhaps better than some, must know through his personal practice that he can give professional advice to either a patient or to an institution which might not represent his point of view as it relates to other issues.

I think there is a very real distinction between the retention by government or government ministries of consultants—which we

don't do very often, incidentally—to advise on a specific and sometimes technical subject, and the sampling of the public point of view on sometimes sensitive issues which, as the House leader points out and which I say most sincerely, does not really find its way into specific legislation. I have to say to the Leader of the Opposition that I see a very real distinction. I really don't see a parallel at all.

**Mr. Cassidy:** I have a supplementary of the Premier. Will he say what mechanism exists in government in order to make sure that the results of these public opinion surveys about what people in Ontario think about major political issues are not transmitted to the Progressive Conservative Party of Ontario either directly or by government ministers who may have had access to those opinion polls?

**Hon. Mr. Davis:** I guess the best answer to that is that it's no secret. The member's own party does a certain amount of sampling of public opinion on occasion.

**Mr. Cassidy:** And we pay for it, not the people of Ontario. It's not out of the public purse.

**Mr. Hennessy:** Hopalong Cassidy.

**Hon. Mr. Davis:** If the member would just be patient for a moment or two, I was going to explain something else.

**Hon. Miss Stephenson:** He can't. The motor in his mouth doesn't shut off.

**Hon. Mr. Davis:** I happen to know very factually that the Liberal Party of Ontario on occasion samples public opinion on issues, et cetera.

**Mr. S. Smith:** Of course we do and we pay for it.

**Hon. Mr. Davis:** I want to tell both parties opposite that the Progressive Conservative Party also does the same thing, for which we pay. We pay for it out of party revenues. We don't use public funds.

**Mr. MacDonald:** You ignored the question totally.

**Mr. Peterson:** Supplementary: Since the Premier and his deputy have admitted in this House that none of those polls found its way into this Legislature either by way of policy statement or by way of legislation, would he not agree then that this has been a total waste of the public money and would he discontinue this practice immediately?

**Hon. Mr. Davis:** I'm never totally familiar with the private sector experience of the member for London Centre. I understand that he has some. Whether it is marketing or



trying to understand what the public is thinking as it relates to his product, et cetera, I don't know. But I've got to tell him that it is a practice in many institutions and in many organizations to try to determine the attitudes of people. To say that this investment is a waste is a fallacy.

I think it's also important to understand—and this is what makes it difficult in government—that government policy has to be predicted too on the basis of what government feels is right. This could be totally contradictory on occasion to what might be indicated by a poll where the various issues aren't properly explained. All of us have sufficient experience with polling to understand that it is not an exact science. A lot depends on the way a question or series of questions is worded. While they can be helpful, at the same time they aren't necessarily definitive.

This is why the House leader said what he did. It is also why I would reiterate that any government which predicates its policy or its legislation on the results of specific poll information, I think, is making a strategic error, apart from any other rationale. I think it would be unfortunate for the member for London Centre to say government ministries don't have an obligation to get some sense of how various programs within those ministries are impacting upon the public. That is part of our responsibility. It is something that is not unique to this government. It is done by the vast majority of governments—

**Mr. Peterson:** Why don't you share it then?

**Hon. Mr. Davis:** Because it is confidential. When we poll people, or when whoever does it, it is not done on the basis of the information becoming public, nor is it our intention to make it public.

Interjections.

**Mr. Cassidy:** I want to return to the question I raised a minute ago. Since it is the taxpayers of Ontario who are paying half a million dollars for these various opinion polls whose titles have been given to us in reply to written questions, can the Premier say what mechanism, if any, exists to ensure the Progressive Conservative Party of Ontario doesn't benefit from those surveys, either by getting direct access to the results or by getting indirect access through what it is told by government ministers who see them? I think it's a very important question.

**Hon. Mr. Davis:** I can give the honourable member this very simplistic answer. I don't say this in any sense that would be provocative. Having been involved in what our party

does—and I don't say this to belittle in any fashion the polls that have been done for government—the polls we do are, I think it's fair to state, primarily issue-oriented and primarily or fundamentally far more comprehensive than the polls done for various government ministries.

I can't say whether subconsciously the information one gathers from whatever source doesn't have an impact on a person, but I can tell the member this: In terms of the Progressive Conservative Party, our determinations are made in a political sense on the basis of the polls we conduct. As I said, by and large these are more comprehensive than anything done by the ministries of this government.

**Mr. S. Smith:** By way of supplementary, since the Premier states the reason these polls are confidential is because the data is collected under some assurance being given that these matters would be kept confidential—that's what I understood the Premier to say—

**Hon. Mr. Davis:** No, not solely.

**Mr. S. Smith:** That's one of the reasons then. Allegedly the data was collected with an assurance the matter would be kept confidential. What does the Premier think of the fact that one of those polls was used by the Minister of Health (Mr. Timbrell) in his speech material and was in fact released to the public? Was that a breach of confidentiality?

**Hon. Mr. Davis:** There are some polls—there are some on that list—where one could say releasing the information would be quite appropriate. I don't intend to start differentiating among the various polls. Our policy and our posture are very simple: We're going to debate—and I think it will be an interesting debate—that these are done for purposes of government; they are not done for any partisan reason, I can assure the members. Some day I will show the members opposite our party polls and just how comprehensive they are. We don't need the polls done by government, we really don't.

**Mr. Eakins:** You skate like Otto Jelinek.

**Hon. Mr. Davis:** I happen to know some of the people who do the polling for the party across the House; I happen to know some of the results, and I happen to know they don't need to know any of the information contained in these polls either for the purposes of their activities. I know what that party does need in its polls. I do know what it does need, and that is a little better results. I understand that.

**Mr. MacDonald:** A supplementary question, Mr. Speaker: May I ask the Premier, since in



reply to questions he has twice felt unwilling or unable to give an explicit assurance that the results of those polls do not go directly or indirectly to the Conservative Party, can one assume that they do?

**Hon. Mr. Davis:** Mr. Speaker, the member for York South is too experienced to make that sort of assumption. He knows full well they do not.

#### VISITOR

**Mr. Cassidy:** Mr. Speaker, I just want to mark the presence in the gallery today of Bob Rae, the new MP for Broadview.

**Mr. MacDonald:** And he won't be an overnight guest either.

**Mr. Cassidy:** That's right; he is going to be around for some time.

#### WINDSOR METROPOLITAN HOSPITAL

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Health. In Windsor last Friday the coroner, Dr. D. J. Broadwell, stated the bed situation was a factor in the death of Anthony Turski, who died shortly after being refused admittance to the Metropolitan General Hospital. Now that the independent coroner's inquest has finally got to the bottom of this case, does the Minister of Health agree with the coroner's conclusion?

**Hon. Mr. Timbrell:** Mr. Speaker, I have before me a copy of the verdict of the coroner's jury. In point of fact, in the two pages before me they do not find a cause-and-effect relationship between the unfortunate and untimely death of Mr. Turski and the bed situation.

Secondly, it does not indicate to me—and, of course, I do not have the transcript in front of me, as it only happened Friday—at least I understand the testimony of the two doctors indicated that the gentleman's condition was not of an emergent type that required either holding at the hospital or phoning one of the other four hospitals to try to find a bed in the community.

Beyond that, the overall question of beds, particularly in that community with respect to that one hospital and its relationship to the total hospital community, is a matter that is before the courts and one which I do not intend to prejudice in any way by making comments which would in any way prejudice the outcome of that once the application has been heard, and it has not been heard to date.

**Mr. Cassidy:** A supplementary question, Mr. Speaker: I gather from the minister's

reply that he rejects the comment of the coroner, who said in summarizing the evidence to the jury that the bed situation was a factor in Mr. Turski's death.

I would like to ask the minister, will he accept the coroner's jury recommendation in this case that there should be further study as to why beds are being closed across the province? Will the minister undertake to perform such a study to determine whether there are other hospitals across the province where a situation like Mr. Turski's could occur again, and will he undertake to halt the cutback in hospital beds across the province to prevent similar terrible cases occurring?

**Hon. Mr. Timbrell:** So far in all this debate of the last 10 days only one side has been heard. Of course, the purpose in asking for the adjournment last week was to ensure that there would be an opportunity to see to it, through affidavits and cross-examination and examination of same, that all the facts on both sides would be put forward and would have their airing.

Beyond that I really cannot comment further, except to say I am eager that this matter get before the Supreme Court at the earliest opportunity in order that these concerns can be cleared up.

**Mr. B. Newman:** A supplementary question, Mr. Speaker: Is the minister aware that Dr. Yomjinda, who attended Mr. Turski, stated he would have admitted a high-risk patient such as Mr. Turski if a bed had been available, and that apparently there is some discrepancy as to whether beds are or are not available? Would the minister have some set guidelines implemented by the hospitals throughout Ontario indicating clearly that there are or are not beds?

[3:00]

**Hon. Mr. Timbrell:** The honourable member is getting, in no small way, into the area of medical judgement. Second, with regard to the question of bed availability, not just in that hospital but in that community, these are matters which will be explored in depth in the examination of existing affidavits and in the provision of other affidavits in the matter before the Supreme Court. That's why I say only one side has been heard from to date and it's quite important none of us in any way prejudice the outcome of the matters that will be heard by the tribunal.

**Mr. Warner:** They have to fight you in court to get decent health care.

**Hon. Miss Stephenson:** You don't even know what health care is.

**Mr. Warner:** I do; this government doesn't.



**Mr. Cooke:** I'd like to ask the minister if he is aware this death occurred in Metropolitan General Hospital before the 25 beds were closed at Metropolitan on April 1, thereby making the situation worse? Second, I would like to point out to the minister, I attended the coroner's inquest. The statements made by the coroner were very clear. The lack of hospital beds was the reason this man was not admitted into hospital and it was a contributing factor to this man's death. It's about time the minister took responsibility for his own actions.

**Hon. Mr. Timbrell:** I really don't need the lecture of the latter part from the honourable member.

**Mr. Swart:** You sure do.

**Mr. McClellan:** You certainly do.

**Hon. Mr. Timbrell:** The facts speak for themselves. The coroner's jury report does not make the comment which the honourable member attributes to the jury in his statement of today. He said in his statement of today that the jury said that; the jury did not say that. There is the coroner's jury report; there is the report.

**Mr. Warner:** Your irresponsibility, your cruel cuts are hurting people and you know it.

**Hon. Mr. Timbrell:** Mr. Speaker, I don't think they will listen to the member anyway.

**Mr. Warner:** They obviously don't listen to you down there either.

**Hon. Mr. Timbrell:** This is an extremely serious matter. It is one that I would like to debate today, but given the fact the matter is before the Supreme Court, that is the forum chosen by a particular party in which to have all the facts examined, and that is where the facts will be disclosed.

**Mr. Cassidy:** On a point of privilege Mr. Speaker: I want to point out to the minister that the coroner's jury said and I quote: "High risk patients should routinely be admitted to hospital." I'm sorry, this is a summary. "High risk patients like Mr. Turski should routinely be admitted to hospital." It made that recommendation in addition to recommending more beds. I think the minister's statements are not correct at all when he tries to suggest the coroner's jury did not put its finger on the lack of beds as contributing to this death.

**Mr. Speaker:** Order.

**Hon. Mr. Timbrell:** Mr. Speaker, I would like to speak to the point of privilege.

**Mr. Warner:** You are a disgrace to this House.

**Hon. Mr. Timbrell:** I beg your pardon?

**Mr. Warner:** You are a disgrace to the people of Ontario, an absolute disgrace.

**Mr. Speaker:** Order. The member for Scarborough-Ellesmere will please stop interrupting. While your colleague from Windsor-Riverside was trying to place his question you interjected four or five times and that's completely unnecessary.

**Mr. Villeneuve:** Make him withdraw what he said.

**Hon. Mr. Timbrell:** The fact of the matter is that in identifying the cause of death, it was listed as heart attack and the means was listed as hardening of the arteries. In fact, in identifying the cause of death, the jury did not connect the death with the bed situation. Now, let's be factual.

#### MINIMUM WAGE DIFFERENTIAL

**Mr. Cassidy:** I have a question for the Minister of Labour. Since the provision of tips is given as the reason for lower wages under Ontario's minimum wage laws for waiters and waitresses in the food and entertainment industry, and in view of the arbitrator's findings that the waiters and waitresses at Noodles and the Courtyard Cafe have had to give 20 per cent of their tips to other employees in those establishments, will the minister now end the discriminatory provisions of the minimum wage laws that keep waiters and waitresses to a minimum wage of only \$2.50, which is well below what's paid to other people working in industry in Ontario?

**Hon. Mr. Elgie:** First of all, the member for Ottawa Centre should also point out that the arbitrator in that particular case specified that the situation of the restaurant was peculiar, that in other situations it wasn't 20 per cent but the nature of the trade in that restaurant, to his mind, that justified that particular allocation.

I would remind the honourable member that the question of the minimum wage is constantly under review, and when that issue comes up again I will be pleased to review it and give it some consideration. But he well knows the reasons for the tip differential that were given the last time the minimum wage was revised.

**Mr. Cassidy:** Since there are certain establishments here in Metropolitan Toronto where as much as 50 per cent of the tips given to waiters and waitresses has to be passed on to other employees within the establishment, won't the minister recognize that in fact waiters and waitresses don't



benefit from the tips in the way that the minimum wage laws presume? Why will he not, therefore, act now in order to eliminate the differential and ensure that people working in the hospitality industry are able to get decent living wages on which to survive?

**Hon. Mr. Elgie:** Again, the member well knows that the question of the distribution of tips among other employees who assist in the service of food is a custom in the trade. As to the question of the tip differential, as I mentioned, that's a matter that will be reviewed when we review the minimum wage again.

**Mr. Mackenzie:** Is the minister aware that in some restaurants in Toronto, cooks are subsidized by the waitresses by as much as \$300 a month, and does the minister not recognize that this undermines the very principle he is trying to establish in terms of a lower wage for waiters and waitresses because they get the tips or are supposed to get the tips? Further, in some restaurants, there is no accurate record kept of the total amount of the tips and the waiters and waitresses are not aware of whether they are getting 40 per cent, 50 per cent, or more or less of the money. How can we have effective collective bargaining when it is undermined by this kind of transfer of moneys to other occupations that were not meant to be covered by the tips?

**Hon. Mr. Elgie:** Mr. Speaker, information of that sort is always of value when one goes to review the matter of the minimum wage and I will be pleased to receive validated comments and supported statements to that effect.

#### GLENLEA CLINIC CLOSURE

**Mr. J. Reed:** My question is for the Minister of Health. Is the Minister of Health aware that the Glenlea Clinic in the town of Acton will be closing its doors permanently on June 22, which will leave approximately 6,000 people, or half of the population of the town of Acton, without medical care?

**Hon. Mr. Timbrell:** Mr. Speaker, I have not been made aware of that. I would be glad to discuss it with the member. I am not aware of the circumstances as to why they are closing. I don't know the physicians who operate that centre.

**Mr. J. Reed:** By way of supplementary: The minister, then, is obviously not aware of a letter to the patients of Glenlea Clinic from the doctors, which was reported in the press as saying that the costs of running the medical centre were escalating faster than the increases paid by OHIP and that was the reason

for the closure. May I ask the minister as well if he has any mechanism in place to deal with the situation which will become an emergency by the end of the month?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, in the two most recent sets of negotiations with the Ontario Medical Association for the period from May 1 to December 31, 1978, and for 1979, in both cases the schedule of benefits was weighted in favour, relative to other sections of medicine, of the general practitioners. Secondly, if the member is saying that there's a practice of 6,000 people waiting, I really wouldn't think there would be much difficulty in attracting other general practitioners to that community. I will be glad to sit down with the member and discuss this with him and take it up with representatives of organized medicine in that regard, but I really don't think that such a large potential clientele, as it were, is going to go unattended for very long.

#### TRANSIT BARGAINING

**Mr. Renwick:** Mr. Speaker, I have a question of the Premier. My question relates to my continuing concern about the fate of public transit in Metropolitan Toronto. I rather think since the Premier seldom answers an original question I will go directly to my supplementary question.

My supplementary question is: As the ghost at the bargaining table, what arrangements is the Premier going to make to provide the kind of funds to the public transit system in Toronto that will permit both fair fares and fare wages to be paid by that commission?

**Hon. Mr. Davis:** Mr. Speaker, I do appreciate the member for Riverdale's going to his supplementary question prior to the rhetoric of his opening question. His supplementaries are usually more relevant than the opening question, so my answer will try to be the same.

I am not at the bargaining table. I have made it very clear that I am hopeful that these negotiations will be carried out to a successful conclusion in a spirit of goodwill, good faith, et cetera. I make it quite clear that in no way is the government involved, except through the auspices of the Minister of Labour (Mr. Elgie) and those people who are qualified and competent to assist in the negotiations.

**Mr. Laughren:** A ghost is there.

**Mr. Martel:** Is Michael Warren not going to be there?



## SCHOOL BOARD FUNDING

**Mr. Conway:** Mr. Speaker, my question is to the Minister of Education and it concerns the unhappy state of educational finance in Renfrew county. Given the sparseness of the population and the remoteness of schools in that county, and given the fact that at least one of the boards, the separate school board, has had to engage in a very large-scale layoff of teachers, can the minister indicate whether or not she will consider giving that particular board and the boards in the county of Renfrew a special designation, such as a northern board or small board, to alleviate the burdens which are theirs as the result of their peculiar geographic and demographic situation?

**Mr. Breithaupt:** The Parry Sound syndrome.

**Hon. Miss Stephenson:** Mr. Speaker, as I am sure the honourable member knows, we have already estimated a special weighting factor for boards of a certain size or smaller, where the decline in enrolment is greater than the provincial average. That weighting factor will be available to boards in that category. Certainly that is the first step in a number of steps which I hope we will be able to take in the not-too-distant future in order to try to relieve some of the problems which are facing small and remote boards particularly, but indeed some larger boards as well, in meeting the twin challenges of declining enrolment and limited access to financial resources in order to provide for their needs during the period of declining enrolment.

**Mr. Conway:** Appreciating what the minister has said, but recognizing, as the local trustees and others have, that the weighting factors that have already been introduced will not be sufficient to deal with the problems which threaten quality education in my county—

**Mr. Foulds:** Your county?

**Mr. Peterson:** Grit county.

**Mr. Conway:** —I am wondering whether or not the minister might more fully act upon a criterion which, for example, in the ministry's young travellers' program designates all of the county of Renfrew as a northern board, and whether she might not extrapolate that criterion more generally to the financial transfers for my county and the boards therein.

**Hon. Miss Stephenson:** Mr. Speaker, that is an interesting suggestion. I will very seriously consider it, yes.

## DOMESTIC WORKERS

**Mr. Mackenzie:** I have a question of the Minister of Labour. Is the minister aware that this very evening, after five weeks in Canada with two different families, an English nanny, Lorraine Sears, leaves for England on British Airways? Is he aware that the reason for her going, very disillusioned with Canada, is the clear exploitation of working conditions—long hours and wages more than 25 per cent less than she was promised before she left for this country—and two nights literally of terror, which saw her threatened with rape and assault and led to the police being called?

Will the minister not agree that labour rights cannot be separated from human rights? In view of the support for those rights expressed by all members of this House last Friday, will the minister not agree to give a clear indication of support for a bill brought into this House that would guarantee that domestics would be included under such limited protection as there is under the employment standards in the province of Ontario?

[3:15]

**Hon. Mr. Elgie:** I understand that the Premier and the Provincial Secretary for Social Development (Mrs. Birch) gave a clear indication on Friday that a human rights code revision will be presented to this Legislature.

**Mr. Mackenzie:** When?

**Hon. Mr. Elgie:** As soon as possible. I may say to the member the very issue he raises is one that is of concern to me too. When the bill is presented to the Legislature the question will be reviewed.

**Mr. Mackenzie:** Supplementary: That doesn't answer the question as to whether or not the protection provided under employment standards will be extended to domestics. Is the minister prepared to look at some means of legislating that the contracts signed, not only by domestics but by other immigrants coming over on work permits, can be enforced in Ontario, which is not now the case?

**Hon. Mr. Elgie:** The question of revisions to the Employment Standards Act is being reviewed at the present time. I can't tell the member right now exactly what matters will be raised when and if revisions are brought into the House, but I may tell him that that is an issue which will be considered as well.



### GUELPH COMMUNITY RESOURCE CENTRE

**Mr. Worton:** I have a question of the Minister of Correctional Services. Is the minister in a position to verify correspondence that has come from a member of the Guelph city council and also, I understand, from the Guelph police department, and to give them assurance with regard to recent abductions and rapes that have taken place involving employees of the resource centre? Does the minister have any suggestions for preventing such occurrences in the future?

**Hon. Mr. Walker:** Mr. Speaker, I thank the member for his question. I am aware of the concerns being expressed by some members of the Guelph city council and by the local chief of police over some incidents arising out of the community resource centre located in Guelph, near and related to the Guelph Correctional Centre. I should point out that it is not the Guelph Correctional Centre we are talking about, but one of our privately operated community-based operations. There are 32 very successful ones in the province.

We have some very grave concerns and I personally have serious concerns about the operation of this particular one. I am very concerned, particularly about what has happened, because it represents a black mark if the allegations and charges prove to be the case. These are very grave concerns for all of us that we can have this kind of blemish on our community resource centres.

We have to keep in mind that we do not get into a situation where we end up restructuring them all for a deviation in only one area. In expressing my concern, I have ordered a complete and very thorough investigation into this particular operation and into the manner in which we can make sure this kind of incident does not recur.

These incidents were very bizarre incidents and the individuals who have been charged are not the kind one would anticipate would be involved in this type of behaviour. They were individuals who had been charged with fraud, breaking and entering and other property offences. One would have to assume that they were ready for reintegration into the community. In one case, the individual would have been back in the community by August of this year.

I assure the member that these members will receive proper justice in their trial, but in the meantime we are making a very thorough investigation of the operation of this centre.

**Mr. Worton:** Supplementary: The minister is aware that there has been intervention by the police department on a number of occasions during the eight months this resource centre has been in operation? This is what concerns me. The police must have had some feedback about the difficulties encountered in that resource centre, and I would like the minister to take this into consideration when he makes his investigation into the operation of that centre.

**Hon. Mr. Walker:** The member can rest assured that we will leave no stone unturned in the matter.

### HUNT'S-WOMAN'S BAKERY

**Mr. di Santo:** I have a question of the Minister of Labour. In view of the fact that the workers of Local 461 of the Retail Wholesale Bakery and Confectionary Workers Union working at Hunt's-Woman's Bakery have been on strike since March 12, 1979; that despite their attempts to reach an agreement they were confronted on May 1 with an offer from the company which amounts to an ultimatum; and in view of the fact the company now says the plant has been sold by the owners, the DelZotto family, to one of their construction companies, does the minister still think a solution is possible? If he does, what action has the ministry undertaken?

**Hon. Mr. Elgie:** Mr. Speaker, I have to confess I don't have the details of the matter the member raises immediately at hand—

**Mr. Laughren:** But are you concerned?

**Hon. Mr. Elgie:** —but I'll be pleased to look into it and report to him within two or three days.

**Mr. di Santo:** Supplementary, Mr. Speaker: In view of the seriousness of the situation and in view of the fact the company has made clear that as far as they are concerned the plant is closed, but at the same time, they refuse to release to the Unemployment Insurance Commission a statement to that effect, which is preventing the workers from getting unemployment insurance benefits, will the minister call the company on their responsibilities and ask them, at least, to relieve the workers from this further undue hardship?

**Hon. Mr. Elgie:** Mr. Speaker, I'll be pleased to review the matter and do whatever is appropriate. If the matters are as outlined by the member for Downsview, I certainly thank him for bringing it to my attention.



### NANTICOKE CONTRACT

**Mr. Cassidy:** On a point of privilege, Mr. Speaker?

**Mr. Speaker:** The member's privileges are really in dispute today.

**Mr. Cassidy:** Yes, it's a bad day, Mr. Speaker. The Minister of the Environment stated earlier today that the Ministry of Government Services and his ministry have both visited Canadian Applied Technology, the company which was in question during questions today. Half an hour ago we talked to the company. We found out from the company there had been no visit, only a delivery, during the course of the tendering period, but that there had been perhaps a visit prior to the tendering period. There had been an evaluation trip to the Texas company and not to the Canadian company. I wish for once the government would start to get the record straight.

**Hon. Mr. Parrott:** Mr. Speaker, I have this brief here, and I don't think there's any doubt that we are straight and that again the leader of the third party is wrong. I am more than prepared to put the dates forward when those meetings were held.

On the first rebuttal to the point of privilege, I tried to deal with it as gently as possible because I think there was an honest difference of opinion about whether we ever visited with them or not. The fact is we have, and I make that very clear. I'll be glad to put the dates on the table if the member will withdraw his accusations.

### HEALTH BOARD-COLLEGE DISPUTE

**Mr. Peterson:** I have a question of the Minister of Health, Mr. Speaker. Is he aware of a situation wherein the Health Disciplines Board ordered the College of Physicians and Surgeons to direct a particular doctor to attend the offices of the college to receive a severe admonishment? That happened on January 3 of this year. On February 14 the college replied to the Health Disciplines Board, saying, "The complaints committee does not consider that it is appropriate to admonish the doctor."

Is the minister aware of this clear defiance of authority and what is he doing about it?

**Hon. Mr. Timbrell:** Mr. Speaker, I met with the chairman of the Health Disciplines Board within the last two weeks, and he made me aware of that. It is something the board and their solicitor are taking up with the college and their solicitor. Once a resolution has been determined, whether it's be-

tween the college and the board or whether it's something that has to be stated as a question to the courts, I'll be glad to inform the member in the House.

**Mr. Peterson:** Would the minister not make it clear to this House now who is in charge and who has the responsibility and the authority in this type of situation, where clearly it appears this patient's rights were not fully looked after? The Health Disciplines Board agrees with that.

**Hon. Mr. Timbrell:** The Health Disciplines Board, on advice of their counsel and supported by the ministry, takes the view they have the authority to order what they did.

**Mr. Peterson:** What's your opinion?

**Hon. Mr. Timbrell:** I just said "supported by the ministry." The college takes another view. This matter is being discussed between the chairman of the board and the college, and hopefully it can be resolved without having to take the case to the courts.

**Mr. Peterson:** One final supplementary: Would the minister be prepared, on the resolution of this problem, to bring a full statement back to this House so everyone clearly understands the lines of authority?

**Hon. Mr. Timbrell:** Yes, I would be glad to.

### FOREIGN INVESTMENT

**Mr. Laughren:** I have a question for the Minister of Industry and Tourism who continues to claim that increased foreign ownership of our economy creates jobs.

Does the minister know that fully 41 per cent of the 108 approvals of foreign ownership in the Ontario economy this year alone have been in the three key sectors of electrical products, chemicals and machinery?

If he does know that, is he also aware, as we have been trying to convince him for the past year or more, that it is in these particular sectors that the degree of foreign ownership is causing a decline in the number of jobs?

Could the minister explain to us what it is that leads him to believe that in the long run there will be more jobs created in those sectors with increased foreign ownership? What kind of convoluted logic is he using?

**Hon. Mr. Grossman:** I know it's more comfortable to deal with these things as though they were all the same types of applications and all the same firms, but the raw figures really don't tell one very much because in many of those instances we may have been facing a situation where the alternative to having that foreign takeover or that foreign



transfer might have been the closedown of the Canadian operation.

**Mr. R. F. Johnston:** You can intervene in other ways.

**Hon. Mr. Grossman:** In some instances one multinational is buying out another multinational. One may have seen instances there in which any combination of circumstances could have created a lot more jobs for Canadians because of the suppliers who otherwise would have lost the companies they were supplying. In other instances, one might have seen us being able to abstract through the FIRA applications undertakings which never before were available to source some of the products in Canada.

The main point the member can take out of all of that is that to presume that all of those transfers created a loss in jobs is no more valid than my presuming that all of those transfers caused more jobs to be created. One has to look at them one at a time and see what the specific circumstances were behind all of those applications. If the member's position is that all of those cases should have been turned down, then I would like to hear that because then I would be able to assess how many jobs would have been lost if we had adopted his policy.

**Mr. Laughren:** I don't know what the minister is talking about when he talks about raw figures. We have all the detailed press releases from the Foreign Investment Review Agency which give us the details on every single one.

In view of the fact that more than half of this year's applications have been for foreign investment from companies that simply wanted to set up a warehousing distribution kind of operation here to import more goods and distribute them to the Canadian market—

**Mr. Speaker:** We've had one editorial comment and one "in view of."

**Mr. Laughren:** —will the minister undertake to block all those applications which are strictly designed to increase warehousing and turn us into a nation of warehousemen?

**Hon. Mr. Grossman:** Not if the net effect of blocking that application is to cost jobs that otherwise we might have for this province.

**Mr. Laughren:** What a lot of nonsense!

**Ms. Gigantes:** Supplementary: Since 70 of the 108 FIRA approvals in 1979 have been in the Toronto area, how can the minister claim that regional development is being promoted by his policies, when only six were approved in eastern Ontario and four in

northern Ontario, while only one of those in eastern Ontario is in manufacturing? The rest, as my colleague said, are in warehousing and sales.

**Mr. Martel:** It sounds like the Robarts plan from 1967—all in southern Ontario.

**Hon. Mr. Grossman:** First, I would remind the member that that's exactly the same question that was not only asked of me but answered by me on Friday. Second, if I read the member properly, she is asking for more FIRA approvals for eastern Ontario. I'll certainly see if I can respond to that concern on her behalf.

Interjections.

**Hon. Mr. Grossman:** In any case, the point about regional consideration is that quite seriously one can't look at the raw figures and presume that those six in eastern Ontario were a lower percentage, for example, than the ones in Toronto. The other point is to analyse whether those six applications would have received the same treatment if they had occurred in another part of the province.

If the member would like to canvass each of those six with me, I'd be pleased to respond to them to the extent that I can. But I can assure the member that applications from those parts of the province are looked upon quite differently in terms of how we assess their importance to that particular part of the province than they are in Toronto.

**Ms. Gigantes:** What good has it done us?

**Hon. Mr. Grossman:** Of course, there are more applications approved in Toronto because there are an overwhelmingly greater number that come from Toronto.

[3:30]

**Mr. R. F. Johnston:** But the results speak for themselves.

**Mr. Laughren:** You're a sellout artist.

## CONVENTIONS

**Mr. B. Newman:** I have a question of the Minister of Industry and Tourism. As the convention business has a substantial economic benefit to a community in which that convention takes place as well as spin-off effects to neighbouring communities; and as the Republican convention for 1980 is slated to take place in the city of Detroit, and the city of Detroit—

**Mr. Speaker:** Question.

**Mr. B. Newman:** —is also attempting to encourage the Democratic convention to come in; and as these conventions could have substantial—



**Mr. Speaker:** Question.

**Mr. B. Newman:** —economic benefits to the city of Windsor, would the minister join with the Windsor Star and the city in their attempt to encourage the Democrats to come into the city of Detroit?

**Hon. Mr. Grossman:** I would be happy to do anything I could to encourage the Democratic Party of the United States to have their convention in Windsor. Indeed, I'd speak to all my very many friends in that party, particularly over the summer period. I'm willing to go anywhere necessary to convince them—together with the Windsor Star and, perhaps, the local member.

I think, in exchange, we should put ourselves in a position to assure them that any major political conventions in Canada would, in turn, consider Windsor as a logical site, although that would exclude the NDP which, of course, does not have large enough conventions to overflow Windsor.

I'm sure the member could see to it his party would consider it. My party would consider it and together we may succeed in getting both great American parties to have their convention there. I might add, in case the leader of the third party has a supplementary, if he wants us to encourage any of the minor parties in the United States to go there, we would be pleased to consider that as well.

**Mr. B. Newman:** A supplementary, Mr. Speaker: Would the minister prepare special materials through his department, using his staff, that would entice some of these parties to come to Detroit so they would naturally come to Windsor and we could sell them on visiting Ontario and Canada?

**Mr. Conway:** Give John Connally a special suite.

**Hon. Mr. Grossman:** We'd be happy to do that, particularly to remind them of the great facilities available in the great city of Windsor. In fact, we would probably arrange to have a special tour of Windsor, including the new Ford V-6 engine plant so we could show them the extent to which we are happy to receive from time to time some investment of a calibre important to the great city of Windsor. We would be happy to co-operate and do everything we can.

**Mr. Bounsall:** Mr. Speaker, as there is no convention centre in Windsor large enough to hold an NDP convention we're in danger of having to take ours to Detroit. On a somewhat more serious note, however, and slightly off conventions but still in the area of encouragement of tourist interest in Ontario as it affects those who go to Detroit, would

the minister consider—as his predecessor did, but he unfortunately arrived at no conclusion—that at least in the Renaissance Center in Detroit there be an Ontario government tourist information centre outlining the many advantages of coming to Ontario, let alone the many advantages of coming to Windsor?

**Hon. Mr. Grossman:** I would be happy to look into that as an alternative in view of our new programs to promote tourist information centres and develop more of them.

With regard to the first question, I'd be happy to help the member with that problem. Perhaps we can push two telephone booths together and see if we can accommodate them.

### CHEMICAL PRICES

**Mr. Swart:** My question is of the Minister of Agriculture and Food. I thank him for remaining for these few moments. Is the minister aware the average price of the seven leading fruit tree and grape sprays used by the farmers in the Niagara Peninsula has increased between 20 per cent and 25 per cent this year over last year? Recognizing the serious impact this has on the farmers when they are already under attack from imports, I'd like to ask him what investigation he has done, if any, and what steps he has taken or will take to limit or roll back those increases.

**Hon. W. Newman:** As the member well knows, this comes under federal jurisdiction. Just within the last few days we have issued a price list for all chemicals here in Canada, and also the corresponding US price list.

**Mr. Kerrio:** Talk to your kissing cousins.

**Hon. W. Newman:** Sure I will. At least I might get some co-operation. Certainly I am aware of the fact there have been price increases on some chemicals, and decreases on others. The list is lengthy. I can't tell the member each individual price but I have a master list. If he would like to see it, I will be glad to let him have it.

**Mr. Swart:** Mr. Speaker, I don't think I got an answer to my question on what the minister intends to do about it.

Might I ask specifically that he would investigate the increase in the price of thiodan which has gone up 80 per cent this year? I would like to send a bill over to the minister, if I may. How would he expect the fruit industry in the Niagara Peninsula to compete with the American fruit industry? Where the increase over there has been less than 10 per cent, it has been between 20 and 25 per cent in this country.



As the minister is well aware, action has been taken to prevent the farmers from going to the United States to buy their insecticides over there. Will the minister take up with the new federal government measures to protect the farmers here or rescind that law that was passed by the last federal government?

**Mr. Riddell:** You always got co-operation from Eugene Whelan.

**Hon. W. Newman:** Yes, sure. I don't deny it. I would like to explain to the honourable member there have been some increases in some of our chemicals.

**Mr. Nixon:** Tory times are hard times.

**Hon. W. Newman:** I am well aware of the price of chemicals. I am also well aware of the devaluation of the Canadian dollar. I believe Mr. Whelan said at the time he closed the border—and if the member will look at the record he will find I said the border should not be closed unless we had competitive prices on both sides, taking into effect the dollar value. The border was closed and there are certain chemicals that have gone up in price dramatically here in Ontario. Some are equal to and a few of them are below the US prices allowing for the difference in value of the Canadian dollar.

We can't just make broad brush-stroke statements about certain chemicals. I happen to know some of them have gone up. Sure they have gone up. Other costs have gone up too. I am well aware of that.

I will be talking to the federal minister about the whole chemical industry, whether we are talking herbicides, pesticides, insecticides, fungicides or whatever it may be. If the member would like to have a look at that list so he will better understand it, I will be glad to let the member see it.

**Mr. Swart:** Have you seen the list?

**Hon. W. Newman:** I said we would look into it—okay?

#### OHIP CLAIMS PROCESSING

**Mr. Bradley:** A question for the Minister of Health: In view of the fact some residents of the province of Ontario have to wait four, eight, 12, 16 or 20 weeks or more sometimes to receive a cheque from OHIP to cover costs of medical care incurred outside this jurisdiction, or to cover costs of claims in situations where doctors have opted out of OHIP, is the minister satisfied with the efficiency of the operation at OHIP in relation to this particular problem?

**Hon. Mr. Timbrell:** That is one of the reasons why, a number of years ago, the ministry decentralized the claims processing

to the district offices, so as to improve on the processing.

**Mr. Haggerty:** It hasn't improved.

**Hon. Mr. Timbrell:** No, in fact it has improved. Where the documentation is straightforward, then the normal turnaround would be about five or six weeks, but where we require additional information—and many of these cases come across my desk as members write to me about them—where perhaps we need more documentation from a hospital or from a physician in the States or in Europe or whatever, that can delay the matter, but we do try to process them as quickly as we can. After all, at OHIP we do process something in the order of a quarter of a million claims per day.

#### REPORT

##### STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Villeneuve from the standing resources development committee reported the following resolution:

That supply in the following amounts to defray the expenses of the Ministry of Agriculture and Food be granted Her Majesty for the fiscal year ending March 31, 1980:

Ministry administration program, \$5,594,900; agricultural production program, \$110,395,600; rural development program, \$11,231,000; agricultural marketing program, \$12,846,500; agricultural education and research program, \$28,470,200.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Welch:** Mr. Speaker, before the orders of the day, I wish to table the answers to questions 192 and 203 standing on the Notice Paper. (See appendix, page 2792.)

#### ORDERS OF THE DAY

##### ESTIMATES, MINISTRY OF INTERGOVERNMENTAL AFFAIRS

(continued)

On vote 602, intergovernmental affairs program:

**Mr. Lawlor:** Mr. Chairman, on Friday last, I was arguing and making some representations to the government and particularly to this minister, seeking to prevail upon him to give cognizance and put into effect, a committee of this House. Since I am speaking on the matter in private members' hour on Thursday, I will not place any greater



emphasis on that particular aspect of the constitutional question today.

However, there are one or two matters and I won't be long in touching on the overall constitution, particularly as it lends weight or gives some direction as a secondary consideration to what such a committee would be called into question to do and the validity of calling that committee into being. It has a monumental task to perform, one that is requisite and one that, as I said on Friday, has been ignored by the government of this province.

The basis of that, the material on which the committee can chew, has now been in a wide way forthcoming to the committee. I gave some praise to the Pepin-Robarts report along with the Macdonald report, which in substance followed upon it, and was substantially in line with it. I commented upon how coincidental that was and how rewarding it was to see these two diverse bodies appointed by different levels of government finding a certain curious correspondence in their recommendation. None of this has been given cognizance or any degree of affirmation or even any degree of public debate with respect to a reformulated constitution which is badly needed by this country, particularly if we deliberately intend and are sincere about holding this country together.

These reports, along with the bar association report, would be the subject matter that would basically start us off on deliberation on, parsing and analysis of those reports. For the first time in our history some concrete, hardrock definition of the issues involved are delineated and set forth for whoever may wish to work them over.

[3:45]

It's not enough and hasn't been enough for the Premier of this province to go to winter carnivals and slide down slopes in order to show an abundance of good will towards Quebec. He has also come home and subverted, in many instances, the so-called good intent in this particular regard. Coming to grips with the issue in an honest way has never taken place and has been circumvented throughout.

I think it is the prime responsibility of this province and the adjoining province to give leadership and to possess some form of vision with respect to what is taking place here. The destiny of the country is at stake and, as I said on Friday, it is not to be diminished because one grapples at straws. One finds in the English-speaking press certain reporters saying that there is an erosion

in the ranks of the Parti Quebecois, that the gravamen of the population is against division and all these sorts of things. I won't press on. I think that is totally fallacious.

After the event, ministers of the crown, including this minister, will strike their breasts and say, "Oh, why weren't we more on the ball? Why didn't we get on top of it? Why didn't we do everything in our power to bring about some kind of accommodation and some kind of understanding so that at least the members of this House and people of Ontario had a grasp of the issues?" I put it to you that that is presently lacking because of basic complacencies operating in this whole area.

All I wanted to do for a few moments—and I won't go into it in any depth, as that is the job of the committee—is to make reference to the report of the Task Force on Canadian Unity. I would like to refer to page 126, recommendation 34, which says: "A new distribution of powers should, whenever it is desirable or needed in order to fulfil the objectives of dualism and regionalism, recognize the distinctive status of any province or make it possible for a province to acquire such a status."

In line with that, it says: "In a new distribution, the powers allocated to all provincial legislatures should provide the framework which makes it possible for Quebec to fulfil its additional role and responsibility with respect to the French heritage in its own territory."

The French-Canadian fact is there and has never, in my opinion, been given due weight. We have scouted it. There is a refusal to address ourselves frontally to the issue involved there. On any occasion when my party gave certain proposals, I suppose we suffered badly in the election in this particular regard.

**Mr. Nixon:** That was back in the two-nation days?

**Mr. Lawlor:** Back in the two-nation days. I don't think the authors of the report would wish to talk in that terminology because they were burned too or noticed the burnings that took place elsewhere. Nevertheless, they say that the Quebec fact has its own peculiarities, its own cultural history, its own form that we must be cognizant of getting along with and of recognizing. We English-speaking people refuse to do so. There is a peculiar quality in the English—never in the Irish—of not coming directly in line with and looking eyeball to eyeball to the issue.

Quebec is different. It has in some ways a more splendid heritage than we have, and



internally the young people of that province have a deeper sense of their history than we happen to have, by and large. As to the whole cultural aspect of the matter, it is far more tangible and alive to them from day to day than the amorphous kind of thing. We English are groping towards some definition. It has been so often talked about it is no use particularly flagellating the issue, as it hasn't come to pass. Some of our authors say that loneliness, the northern woods and isolation, is the prime Canadian characteristic. I don't know.

In any event, in this section they say, "In the distribution of powers, provisions should be made for the possibility that some provincial governments other than Quebec may wish to assume, now or in the future"—that is their way of getting around the two-nation concept—"some or all of the powers in the cultural domain recommended for Quebec.

"Should the other provinces not wish to avail themselves of such a distribution, powers related to this additional role and responsibility of Quebec should be allocated to Quebec alone."

That seems to me perfectly sensible and in line. Otherwise, one is blinding oneself or, ostrich-like, not facing realities. What will eventuate from blindness will be division. It is in the cards. That may not happen in the next referendum but we all fear and anticipate a recurring phenomenon for years ahead. This thing is deep-rooted, therefore, it must be lanced at the source. We must try to reach a mutuality of definition with respect to the issue.

I said on Friday this would go a long way. I don't adopt all these recommendations by any means. Let me take one, number 39, that residual powers should be assigned to the provincial legislatures.

As we all know, the peace, order and good government clause and the residual power is now left with the federal government. I think it should be left there, not reposed as residual power in the provinces. That would be, in my opinion, disruptive. It is the very kind of thing I would like to sit down with my colleagues and with experts appearing before us to explore, to weigh, to become more informed on as to where that residual power should finally rest. In a way it is a superficial issue; in another way, after the powers are defined according to the way they want to do it here, there may not be too much residual power left.

In any event, recommendation 37 says, "The use of a list of exclusive powers for Parliament and a list of exclusive powers for

the provincial legislatures should be retained in a new Canadian constitution." But what those exclusive powers are, are not identical, by any means, with what the Privy Council and the Supreme Court of Canada have set forth over the years with fairly myopic judgements and tendentious approaches to the matter which have seriously, in my opinion, disoriented our constitution, particularly when the adjudications were made overseas and which are followed as precedent to this day.

Recommendation 38 is about concurrent jurisdiction; the concurrencies of jurisdiction, when they both operate in certain fields, et cetera. But, the field is divided and with some nicety and detail set forth as to which jurisdiction will operate where. It is in the Macdonald report too and again very much in line with what we have:

"(1) Concurrent jurisdiction should be avoided whenever possible through a more precise definition of exclusive powers. (2) Wherever powers are concurrent, a federal or provincial paramountcy should be stipulated." Then they proceed to do that to a degree.

Recommendation 40: "In devising a new distribution of powers, the following steps should be taken: (i) broad areas of governmental activities should first be identified. Such broad areas might include external affairs, defence, economic policy, transportation, communications, natural resources, administration of justice and law enforcement, the status and rights of citizens, culture, health and welfare, habitat and the environment.

"(ii) within each of these broad areas, specific subject matter should be arranged in related groups. Under culture, for example would be grouped legislative powers over: language, education, schools, universities, archives, research, exchanges, copyrights, books, films, arts, leisure, marriage and divorce, property and civil rights.

"(iii) jurisdiction with respect to each specific legislative power should then be attributed, exclusively or concurrently, to an order of government according to the criteria established in our previous recommendations. For example, regarding immigration, provincial legislatures should have exclusive jurisdiction with respect to settlement and integration of immigrants; the federal Parliament should have exclusive jurisdiction with respect to deportation of aliens and public safety; jurisdiction should be concurrent with provincial paramountcy with respect to selection criteria and levels of immigration to the province . . ."



That is something which does not occur these days, and something which the Treasurer of this province (Mr. F. S. Miller) has taken grave umbrage with, namely, the federal government takes all the credit with respect to the coming in of immigrants to this country, but the costs and logistics of the whole damned thing are borne by the various provinces, and overwhelmingly by Ontario, much to the hurt of the Treasurer of this province, which should be compensated or given some allocation by the federal authority, which caused the burdening to begin with. So for the first time they tried to divide it up.

**Mr. Nixon:** A strange theory of immigration. I didn't know the New Democratic Party thought immigrants were burdensome.

**Mr. Lawlor:** It is burdensome when they arrive in the province without homes and without provisions for their lives—when nothing is provided for them.

**Mr. Haggerty:** They want brand-new homes when they come in, eh?

**Mr. Lawlor:** Don't be picayune, my friend. This is the only debate in this House that I know of where you can exercise a degree of statesmanship. All the rest is petty bickering.

**Mr. Nixon:** Maybe that's why the place is vacant.

**Mr. Lawlor:** Even with the bickering, it is vacant.

To conclude the quotation: "... and with federal paramountcy with respect to the recruitment of immigrants abroad and the admission of refugees."

Finally: "(iv) areas could be either exclusive, when all powers are attributed exclusively to the same order of government, as in the area of defence, or shared, when some of the powers are attributed exclusively to each of the two orders of government, or concurrently to both."

In the area of taxation policy, recommendation 41 says: "Both the central and provincial governments should be granted equal access to tax sources, with the exception that customs and excise taxes be an exclusive central power. The provincial right to use indirect taxation should be qualified to ensure that the impact of such taxes does not fall upon persons outside the taxing province."

Then they talk about the emergency power and how it should be operated. They talk about the constitution of the House of Commons on the basis of proportional representation. They have long sections on linguistic rights as to the attribution of these rights, how they might be administered and in which areas.

The role of the Senate is given some cognizance—the reformed Senate, as we all know, which the Pepin-Robarts report calls the Council of the Federation and which the Macdonald report calls a House of the Provinces. Curiously enough, that has to be looked at in depth, if only because these two astute men, the only persons in this country who have really done first-rate work in the field and are thoroughly clued in, indicate this is the feasible possibility for the future with respect to the Senate.

Why has everyone shied away from it? Alberta, one would think, would be all in favour; but quite the contrary. Of course, no one quite knows where Ontario stands on these things; that is precisely what the debate is about today and why it would probably be more in the government's interest to have the committee, if for no other reason than as a shield against coming to grips and seizing this by the horns.

I have severe doubts about that House having provincial representation and veto powers operating. Nevertheless, it is well worth exploring. When are we going to explore it? I don't see any learned articles being written. I don't see great debate going on in the "op-ed" pages of the local newspapers. It seems to me a thundering silence reigns over this whole issue.

[4:00]

For these various reasons, and in order to explore this and half a dozen other issues which very easily could be taken up and a good many hours be spent talking about where concurrency would operate, how it might operate, et cetera, and exchange views across the House in this particular regard. Rather than do that, let us have a group—and the people who will go on that committee, I'm sure, will go on only because of their intense interest in the problem on all sides of the House.

I would hope that Ontario would raise its stature in this whole area far above anything it has accomplished thus far and will not, by process of omission, be judged in history as having failed at this most critical time in our history.

**Mr. Nixon:** Mr. Chairman, I am not aware of an agreement being made that we are having a constitutional debate per se to the exclusion of other matters. With your permission, I want to deal with three matters.

The first matter has to do with the projected committee that has been very much a subject of debate during the last session and the first part of this session, dealing with the estimates. The minister indicated in his response, I believe to the member for



Riverdale (Mr. Renwick), that this matter had been put to the House leaders and that it was found difficult, if not impossible, to arrange a summer committee for the purpose of the review of our provincial responsibilities to national unity and any constitutional change that might be associated with it.

I do not want to misquote the minister—and I do not have Hansard here—but I want to make it clear to anyone who might be interested—and it appears from the people in the House today that very few are—that I see no problem in scheduling an additional select committee this summer.

For one thing, it could be, and probably should be, a relatively small one. The terms of reference would deal with matters that have been raised by members who have spoken before me. Frankly, it has not been raised specifically with the House leaders on the basis of whether it could or could not be handled by way of scheduling.

Secondly, I believe it could be accommodated if it were the decision of the House that such a committee ought to be established. Personally, I believe it should. I agree with the statements by previous speakers. When the matter comes for debate in the House, I would hope that, the resolution will be that such a committee be established.

I cannot readily understand why the government is so resolutely opposed to such a committee. The reasons given by the minister, I believe on Friday, didn't seem to ring very true to me. They seemed to be rather superficial, relating simply to getting the bodies to man such a committee.

It is true that the government party has some special problems this way, and the government whip has certainly made it clear that there may be some problems in that connection. But, speaking for our party, I believe we could man such a committee without a problem; and I would expect that the members who would be associated with such a committee would certainly be interested and knowledgeable.

Having said that, I do not intend to express personal views as to what the committee should discuss or perhaps to make a guess as to what their recommendations should be. But I do agree as well with my colleague from Ottawa East (Mr. Roy), who did express a reservation about the committee; that is, it is liable, through the press coverage of its discussions, to detract from the impact of a debate that might be and should be held in this House at the time when the referendum in the province of Quebec would be very much before the people there and the people of Canada. I think that is a sig-

nificant point, that we would not want to detract from an impact of a debate in this House, perhaps approving—unanimously, I would hope—a resolution indicating what the stand of this province would be.

However, I do not believe the committee needs to interfere in that respect. Frankly, if such a committee is struck, I would hope it would not be simply to discuss a resolution put to the committee and to the House by the government in terms more or less based on the statement in the speech from the throne.

If a committee is so struck, I would hope it would have much broader terms of reference, in which, after doing whatever studies it might require—and there has already been reference to the Pepin-Robarts report and the Macdonald report, which certainly would be valid documents to examine—I would hope it would come in with an all-party recommendation for once so the House could then debate the proposed recommendation from the committee in the kind of debate we all envisage as having value.

Not many members would agree with me, I am sure, but in my view, while we all acknowledge the importance of the subject, we must also acknowledge the boredom it engenders, not only in the community at large but in this House. I hesitate to say that. Perhaps I am reflecting only a personal view. Yet our experience has been just that. In the past there have been very few members whose views on the constitution were sufficiently interesting and progressive they could command the attention of more than a handful of members in this House. With great respect to those who have already spoken—and I found their views interesting myself—Elmer Sopha, the former member for Sudbury, when he was talking about the constitution and the future of Confederation, long before it was fashionable so to do, could command a great deal of interest and press response.

The minister's two advisers, Mr. Stevenson and Mr. Greathed, have been here let's say for a significant number of years, and could probably recount as well as any the course of the debates and the events associated with it and the waxing and waning interest in the subject. It has been a part of their professional responsibilities to maintain their interest and to meet with representatives from other provinces and the federal government on a continuing basis. They are certainly expert in their opinions and their responses in this connection are certainly valuable and much respected.



Even going back to 1967, John Robarts very properly and logically stimulated debate in the province, and to some extent across Canada, through the Confederation of Tomorrow conference. Still, I felt the debates in here were strangely sterile. Since I was a new leader of a party myself, probably my contribution was just about as sterile as any other. But while the individuals who were speaking seemed to be caught up in their own views, it seemed to be almost impossible to interest the community at large in what the Legislature thought about this.

Certain political points were made. The member for Lakeshore who has just spoken indicated in an oblique way how politically unpopular the concept of two nations turned out to be after the NDP embraced it. And yet even that lack of popularity was a very political manifestation in my view, and didn't seem to involve the people of this part of the nation in the controversy it should have.

I don't want to belabour the point, but if we are fooling ourselves that we are going to have some great debate in this House in which the people of the province are going to be caught up and for which the television cameras will come in to hear the views as they emerge from our lips, we are kidding ourselves. The best debaters here are hard-put if they want to express their views in a way of that kind of significance.

A resolution of the House, however, which puts in reasonable terms, even believable terms, that sovereignty association is an unacceptable alternative as far as we are concerned, would be important. However, we can say unacceptable as much as we want, but there is no doubt if Quebec, and God forbid, followed the course advocated by Rene Levesque, and we had done everything we could to stop it but still it had gone forward, I have a feeling we would not build a wall along the Ottawa River and say, "We told you if you followed that course of action it was unacceptable to us." When it did happen we would find ourselves probably responding in a slightly different way.

That's why I say this resolution, and the importance of it, may be seen in some jurisdiction as an approach to constitutional grandstanding. That's the sort of thing the committee may or may not come to grips with.

The fact the minister has rejected the possibility of such a committee I hope will be reconsidered. Perhaps it will be reconsidered in the light of the resolution put on the order paper just today, to be debated this Thursday—a significant course of events, I thought.

**Mr. Lawlor:** Yes.

**Mr. Nixon:** Having, however, heard the member for Riverdale express himself in something less than outrage but also deep concern, was the fact that his cogent arguments put forward over many weeks—in fact months—had simply been turned gracefully aside by the minister and various spokesmen for the government. This indicates I suppose that he, with the co-operation he always gets from his colleague from Lakeshore, had found a means whereby the matter would be put to debate in this House. Frankly, I for one welcome it.

I would hope this resolution is accepted by the House, even though it is worded in a somewhat awkward way. I'm not this party's spokesman in this connection, but if it is accepted, I hope the minister will see his way clear to accept the will of the House. What damage can be done in giving the members of this House a forum to review the matters that have already been before us? Perhaps we can come up with a recommendation to be debated in the fall in what I consider could be a very timely and important way.

There are two other matters that I want to refer to briefly. The second matter has to do, not with our constitutional responsibilities but with the minister's other great responsibility—that is, dealing with the municipalities.

The minister made a speech—no need for any concern about this as far as his advisers are concerned—some weeks ago in which he indicated to one of the municipal organizations he was approaching—at least in his own thoughts—some solution to the continuing problems involving the requirements for annexation involving some of the municipalities—obviously Brantford and Brantford township are the ones in my mind.

If one of the alternatives is going to be the vehicle of private legislation, with the Legislature acting as a court in this connection, I hope before that position is accepted as ministerial policy there is a chance for further debate in the House. The situation involving Brantford and Brantford township seems to have, somehow, de-escalated. At least, there doesn't seem to be the heat in the controversy there was the last time it was discussed in the House and yet in many respects they are no closer to a solution of their mutual problems.

As the minister is no doubt aware, a very substantial initiative is being taken by the city of Brantford in downtown revitalization and that, very properly, is occupying their views. I strongly suggest that when and if his policy is going to be enunciated here,



involving not only Brantford and Brantford township but the four or five situations in the province which have been pressing themselves on the minister for his attention, if not a solution, we have an opportunity to discuss it further before something comes forward chiselled in stone. That would make for a more academic debate rather than a viable debate in which we work together to hammer out the kinds of solutions that we would all choose.

The third point, and the minister might want to respond to this more directly: I notice in this vote there is money being made available for analysis and advice. I haven't got the words before me, but it occurs to me it would be in this vote the ministry's advisers may be using the procedure of sampling and public opinion analysis which was very much the subject of questions today and at the end of last week.

I would like some information from the minister if, during the past year, a polling procedure has been used, for example, to get the views of our citizens having to do with matters in the purview of his ministry. If so, we would like to hear whatever information can be made available about that—as to how much money was spent and what consultants were employed. We'd also like to know what the intention would be for the utilization of the money in this vote we are debating which would lead the minister to make a retainer leading to a public opinion survey; what the types of questions might be and what the aim of the expenditure of the money would be, as far as administration and policy is concerned.

[4:15]

**Hon. Mr. Wells:** Oh, would you like me to reply?

**Mr. Chairman:** It is entirely up to the members.

**Mr. MacDonald:** I want to return to federal-provincial relations, et cetera. If the minister wants to reply to those two secondary questions in face of this great, momentous issue of statesmanship that was pre-occupying us for a moment, fine.

**Hon. Mr. Wells:** Just quickly, I will reply so that we don't forget those two questions, Mr. Chairman.

On the matter of the policy regarding annexation, as I said in my opening remarks, I indicated to the Association of Counties and Regions of Ontario about six or eight months ago some broad ideas that could be explored to help solve this problem we have with annexations and amalgamations, a problem which is brought about because

the process we have has become so time consuming and so costly. They took up that challenge and have been meeting, and indeed had a gathering not so long ago to bring forward some suggestions of a new way of handling these matters. The Association of Municipalities of Ontario has also been doing the same thing as have some of the other municipal groups.

We are pooling those ideas all together through the Municipal Liaison Committee. They are then going to present them to me; we are going to digest the various suggestions. I have set as a time frame for some announcement on my part as to some new procedures, some time in the summer, probably late summer.

I don't think they will involve any kind of mystical solution which will solve all our problems. It will basically be a better and less expensive and less time-consuming way of handling the same problem. I can assure my friend they will not involve this Legislature acting as a court in the matter, because I don't view that as the solution, at least not in the very initial stages. It may be that at some time and in some place bills in this Legislature to effect changes may be the solution in some particular areas, but certainly it would not be something which would be done immediately in any process and there would be plenty of time for this House to discuss anything of that nature.

In answer to the second question, the answer is, yes, we have conducted a public opinion survey. Part of the money for that is in this vote and we do not have any plans to conduct any further surveys at the present time.

**Mr. Nixon:** If you will permit me, I would like to ask a further question about that. Is the minister prepared to make all or part of that survey available?

**Hon. Mr. Wells:** At the present time, no, Mr. Chairman. We have a general government policy on this. The general government policy is that these surveys are kept confidential and are used by us in general determination of those things that are occurring in the general population, so therefore that is the answer I must give you at this time.

**Mr. Nixon:** With your permission, I want to pursue the matter of the surveys with the minister just briefly, because the Premier in his statement in question period certainly left me confused. He said the information was elicited on a basis of confidentiality. Yet that doesn't make sense if the surveyor goes out to a person in the street or someone selected as a representative of the community,



that is, not by name but perhaps on a statistical basis, their views are solicited with respect to certain matters that must concern this minister. They may or may not have to do with our attitude towards Quebec or a change in the distribution of powers, a change in the allocation of taxing, having to do perhaps with our representation in Ottawa, whether we should have something to do with the Supreme Court and the Senate.

It seems incredible to me that the Premier would indicate that this has to be confidential because somebody's views would be made public. If I know anything about public opinion surveys, and I'm not an expert and I've certainly been led astray by them in the past, nobody's name except a surveyor's is there. The information elicited, which is basically the opinion on these matters expressed by the people in Ontario, should surely be made available to the members of the House as well as the minister and his advisers.

I think it was perhaps the member for Riverdale or the member for Lakeshore who spoke in derogatory terms and was deeply critical of the kind of survey information published, I believe, on page two or three of that weekend supplement, or a few months ago in Maclean's, indicating what the people of Canada, and more directly the people from the provinces of Quebec and Ontario and certain other areas, thought about national unity. I agree with him entirely. He was critical because the questions and the information elicited were so superficial. Surely, if we're expected to provide the money for those surveys no significant reason has yet been given why the information can't be tabled. The implication really leads some members, as the member for York South in his responses in question period, to believe the questions deal with matters that are political on a partisan basis. Otherwise, the Premier's reasons for not revealing are incomprehensible.

I would suggest to the minister as strongly and as reasonably as I can put it to him that the information ought to be available here. It would then undoubtedly be reported that the government has found through their surveys—and they are paying a lot of money for them, and on that basis they must be professional—that the people in the province have these views which are, I wouldn't say the basis of the government policy but at least they form a part of it.

I hope the minister understands this issue is going to have to be pursued. I know he cannot by himself change government policy,

but surely he must see how irrational and unacceptable those arguments are to those of us who are members of the opposition side. They just don't make any sense.

**Hon. Mr. Wells:** Can I just respond quickly to that question? The honourable member indicated he had some experience with polls. He knows very well from some of his experience with polls, and we're not now talking about polls this government does but those polls used at election time, that certain parts of them are pulled out and are used at those particular times to create sometimes erroneous impressions. Usually, the whole series of questions is not reported. Wrong impressions or erroneous impressions are received by the general public.

**Mr. Nixon:** That's true of anything that goes on.

**Hon. Mr. Wells:** Yes, parts are pulled out and with polls the danger is very great that wrong impressions will be created perhaps—maybe not, maybe not.

**Mr. Nixon:** But what about the member here?

**Hon. Mr. Wells:** He would read it all. I'll just give you my personal philosophy but I view the use of polls as another method of finding out and keeping in touch with people and what people think.

**Mr. Nixon:** Yet you don't want us to read them.

**Hon. Mr. Wells:** I'm speaking for the polls we've done here, the one we've done in this ministry. We did a number in the Ministry of Education. Some of the ones in Education, in any event, are published and you've had them and you've seen them. You're shaking your head?

**Mr. Nixon:** I haven't. What kind of an argument is that?

**Hon. Mr. Wells:** Well, several of them were done under research grants and are available in the legislative library and so forth. One of them was part of that very massive Interface study, the whole one third of that study was a poll—

**Mr. Nixon:** Anybody can waste money.

**Hon. Mr. Wells:** —done on what people's impressions were of the education system of secondary education and so forth. But the whole idea is to synthesize from a testing of public opinion some ideas of what the public is thinking about various matters. I can assure you it helps a person who is trying to develop policy to put forward to his colleagues, to be able to have that as one



of a number of sources and information areas that come in.

**Mr. Nixon:** What about a member who is expected to respond to that policy, such as an opposition member?

**Hon. Mr. Wells:** I could argue with my friend that he perhaps doesn't need them, but it probably would be of some help to him at times too.

**Mr. Nixon:** You're patronizing.

**Hon. Mr. Wells:** The point I wanted to make to my friend was that these are not used for political purposes and are not dispensed to political parties and used in the manner of the polls the political parties use themselves. In fact, they are used for quite different purposes, and the kinds of questions are quite different.

**Mr. MacDonald:** Mr. Chairman, it wasn't my intention to deal with this issue—I want to get back to the noble heights of constitutional reform—but since this has been raised, I want to speak to it.

May I say to the minister that the government's position on this is totally indefensible. If the government is spending public moneys for polling, based on the argument—for the moment I'll accept it, although I'll advance my reservations in a moment—that it is doing it for policy formation, and if it is getting information that may or may not be interpreted, the House is entitled to get that information and to debate the interpretations and the misinterpretations.

The government hasn't got a monopoly on the use of something for which public funds have been spent. The sooner the government wakes up to this, and cuts out the game—or, if it wants to continue it because it thinks it is useful, makes the information available to the House so that the members of the Legislature, the editorial writers out there and everybody else can have it—the sooner its position will become defensible.

Let me come back to the Premier's reply this afternoon—and I shall choose my words as carefully as possible. Twice he evaded replying to the question as to whether or not this information was handed on to the Conservative Party so that it might at least interpret it as it sees fit for their partisan purposes. When I backed him into the wall, he said, "No."

**Mr. Chairman,** let me say this: The Premier may have set up mechanisms. He may have done, as Leslie Frost said to cabinet ministers on certain occasions, "Don't buy Northern Natural Gas." That didn't stop them; they did, and two of them had to get fired out of the cabinet. It is inconceivable

that the substance of those reports doesn't get out and eventually into the hands of the Conservative Party, which then has the right to interpret them and use them as it does.

Quit the dissembling. Cut out the shenanigans. If the government is spending public money on polling, the House is entitled to the results of those polls. Don't engage in some sort of obfuscation of the issue by saying, "If you take a poll, you may extract a portion of it and misrepresent it." If the government has carefully prepared a poll and all its questions, it can table those questions in the House along with the answers, and we in our ignorance, or lack thereof, will make an interpretation which will be just as legitimate as the government's interpretation or misinterpretation. I will leave the issue there, but the government's position is totally indefensible; the sooner the government cuts it out, the sooner it is going to keep itself from getting deeper and deeper into trouble on the issue.

Let me get back, if I may, quietly, to the issue of constitutional reform; I want to start out with the committee. There has been a lot of discussion on the whole issue of the committee. The government, by its stonewalling over a period of two or three years, and particularly the last two and a half years since the Parti Quebecois was elected in Quebec—indeed, I am not going to stop there; the House, where a majority sit on the opposition, has done a disservice to this country in that we have tolerated the government's stonewalling in not having an opportunity for repeated discussions of what is one of the most important things in the life of this country: the prospect of constitutional reform; what this nation's reaction should be to the emergence in Quebec of a party that is dedicated to splitting this nation down the middle.

The minister advances reasons as to why we can't do it now. You can always advance reasons. But surely it is ludicrous that we have had select committees looking at everything from tile drainage to God knows what, yet in the face of a Premier who speaks of this issue as being an intensely important one, we have never been able to establish a select committee to look at this. There is an obvious contradiction here. Let's stop the stonewalling.

[4:30]

Let's have a select committee and let's not even buy the excuse of the member for Ottawa East that it would be better to leave it now because we might sort of pre-empt prematurely the publicity that should be



focused on the eve of the referendum; that is just another excuse. God help us, if the issue of the reshaping of this nation isn't worthy of something now and a repetition four months from now when the referendum comes up, then it's not worthy. I am convinced it is worthy. So that Liberal excuse is just as phoney and just as much stonewalling as the excuses the government has been giving.

Let me come to the point of view that has been expressed by the member for Brant-Oxford-Norfolk with regard to the limited interest. As I look at the yawning emptiness of the government benches over there, his point is well taken.

**Hon. Mr. Wells:** Yours are the same.

**Mr. MacDonald:** I agree, but I will tell the minister that this is potentially a very interesting topic but, because of the manner in which he has treated it, people don't take it seriously in this House. There isn't a single topic in a single ministry, a single critic on the government side or a government backbencher who is interested in the topic, that cannot in some way be related to the constitution, particularly when one gets into the whole issue of the redivision of powers and so on.

If we had some ongoing mechanism, whether it be a committee outside the House making periodic reports, whether it be more regularly scheduled debates on this issue within the House, then one would develop an interest. Then the minister might leave the impression with those serried backbenches and the opposition majority over here that this is important enough that they should take an interest in the matter. But we have short-changed this vital issue at a critical stage in Canadian history. And the province of Ontario—the dominant province, as some historians have described it on occasion; certainly a key province in the original shaping of Confederation and inevitably a key province in the reshaping of Confederation—has so totally frustrated an opportunity for debate here which would develop an interest among ourselves and then develop an interest out among the public that, I submit, we have done a grave disservice to the people of this province.

Therefore, my hope would be, along with the member for Brant-Oxford-Norfolk, that when that resolution comes before the House on Thursday and it gets a majority vote, this government is not going to treat a majority view of this House with contempt, because the government's actions in the last

three or four years add up to a contempt for this whole issue.

Let me just pick two topics. I am picking them in part to deal with the substance, but, equally important, to illustrate the reason we should have a committee and why that committee should be an ongoing one—two very important issues in the whole process of constitutional reform.

To begin with, the topic I want to touch on briefly is the issue of entrenchment of individual rights. When the bill was brought in by the former government in Ottawa, interestingly enough there were a couple of sections in that bill that Ed Broadbent pointed out when he made his representations on behalf of the New Democratic Party to the joint committee of the Senate and the House of Commons studying the bill. Section 5 of the bill says: "In a free and democratic society there are certain rights and freedoms which must be assured and which must, if they are to endure, be incapable of being alienated by the ordinary exercise of such legislative or other authority as may be conferred by law on its respective institutions of government." That seems to be a pretty strong statement, that one is going to have certain rights entrenched and that government or a Legislature at one point by whim or by decision is not going to have the right to supersede or to undercut or to violate those entrenched rights.

Then we move on to section 25. Listen to it, Mr. Chairman. "Nothing in this charter shall be held to prevent such limitations on the exercise or enjoyment of any of the individual rights and freedoms declared by this charter as are justifiable in the free and democratic society in the interests of public safety or health, the interests of peace and security of the public, or in the interests of the rights and freedoms of others, whether such limitations are imposed by law or by virtue of the construction or application of any law."

As Mr. Broadbent pointed out, on the one hand, you have an assertion that these entrenched rights should be inviolable, and then you have another section which says they can be violated. In some fashion or other, we have got to come to grips with this. In the wake of the War Measures Act of 1970, we have to come to grips with it.

One of the interesting things about this issue is that there are divisions within parties, and I am raising this frankly. I think those divisions within parties and between parties should be threshed out so we can perhaps come to a closer understanding of the matter. Let me illustrate it with



regard to my own party. The New Democratic Party has been for quite some time, as passed by resolutions at conventions, in support of the idea that individual rights should be entrenched in the constitution. But Allan Blakeney, the Premier of Saskatchewan, has expressed serious reservations with regard to it. Why? Let me quote him. I suggest to you that his words are worthy of some thought.

Speaking to the conference last November, Allan Blakeney said: "I want to be clear. The issue here is not human rights per se. Saskatchewan is in favour of human rights. Indeed, we are proud of our record. One of the first bills of rights in any jurisdiction in Canada was adopted by the CCF government of Tommy Douglas in 1947; a Fair Employment Practices Act, a Fair Accommodations Practices Act, a human rights commission, an ombudsman, a legal aid system that is second to none in the world. The issue is not rights per se; the issue is the entrenchment of rights.

"To entrench rights in the constitution is to put them for all practical purposes beyond the reach of the Legislature." Then he goes on to add, "I, for one, am not convinced that it makes much sense to transfer to the judiciary the power to decide sensitive questions of social policy." There is a problem, there is a dilemma. Somebody once said, not wholly inaccurately, if I do not offend you, Mr. Chairman, that those who sit on the bench usually represent the views of the last generation in terms of social policy, not this generation. It is in the nature of the entrenched conservatism of the judiciary that maybe that is the case.

Do we want people whose views on sensitive social issues are a generation behind the times to be, in effect, making the law of the land? Or should it be made in the Legislature among elected representatives of the people, who presumably reflect the views of society at this given time?

Allan Blakeney points out, for example: "For 25 years the Saskatchewan government has 'discriminated'"—and he's got that word in quotes—"in favour of Indians in granting fishing licences and trapping permits in northern Saskatchewan. Recently, we signed an agreement with a uranium company for a new uranium mine in the north of our province. That agreement requires that by 1982 50 per cent of their employees be 'northerners,' defined as people who have lived in the north for 15 years, most of whom will be Indians, status and non-status. With an entrenched bill of rights, policies like those could be

struck down by the courts as being discriminatory on the basis of race."

How do you come to grips with this problem of establishing a balance? The general argument that has been advanced with regard to entrenching human rights in the constitution is that you protect these rights and they can't be violated. I sometimes wonder whether the people who advance this argument are aware of the history. Our neighbour, the great United States of America, has these rights entrenched in the constitution.

May I remind you of the notorious Dred Scott case in 1857, in which the court applied the due process clause of the fifth amendment as a guarantee of property rights, holding invalid an act of Congress excluding slavery from certain US territories? How fascinating—or how shocking.

May I remind you that in 1905 the court struck down a statute limiting hours of employment in bakeries to 60 hours a week and 10 hours a day, finding it to be an interference with the freedom of contract, protected by due process? How fascinating.

Or may I remind you that in 1918 there was a court decision invalidating legislation aimed at suppressing child labour in factories where children under 14 were employed, because it violated property rights, or contract rights, or something of that nature?

Or may I remind you that in 1923 there was a decision of the court holding unconstitutional federal legislation which attempted to establish minimum wages for women in the District of Columbia?

In other words, the history of the United States is replete with cases in which the Supreme Court used one or another argument to violate human rights, to deny the assurance of human rights. So don't for one moment get drawn in on the proposition that you get it entrenched in the constitution. I don't know the answer to this dilemma. I'm very frank with you.

When this was thrashed out I remember seeing one of the CBC programs in which Allan Blakeney was tackled pretty vigorously because of the contradiction between the general position of the New Democratic Party in wanting these rights to be entrenched and his position. He said that there is a possible reconciliation. You can have in the constitution a so-called "notwithstanding" clause—notwithstanding what is spelled out there, a provincial Legislature would not be denied the right in advancing of some affirmative action program to discriminate in favour of the Indians, for example, in employment.

That may be the answer. I don't know. All I'm saying—and this is the reason why I raise



it, apart from the substance of the issue—is that this is the kind of thing that should be thrashed through in a committee. This is the kind of thing that should be debated in this House. It should have been debated two or three years ago, maybe 10 times in the last two or three years, but it's never been debated.

Let me move to another issue—and I want to deal with it superficially because it obviously gets into so much substance, and now is not the time to pursue it—this whole question of what we're going to do about the Senate. Interestingly enough, the majority of people today recognize that the Senate is useless and it should be eliminated, as it now stands.

**Mr. Nixon:** Hear, hear.

**Mr. MacDonald:** You don't know how many of your fellow Liberals are sitting there as bagmen with a lifelong pension.

**Mr. Nixon:** I say again, hear, hear.

**Mr. MacDonald:** Hear, hear. Okay. Very good.

**Mr. Worton:** It's just a difference of opinion.

**Mr. MacDonald:** I just wanted to clarify that, and now I've established a community of opinion—

**Mr. Nixon:** Paul Martin criticized me for that even more strongly.

**Mr. MacDonald:** What we have had proposed on one hand by the Advisory Committee on Confederation and on the other hand by the federal proposals are two different things—the House of the Provinces and the House of Federation—which are really going to institutionalize the regional differences and tensions which presumably the new structure is going to resolve. Again, as Ed Broadbent, in some very wise comments to that joint Senate-Commons committee, said: "The result is an abomination which meets neither regional nor democratic requirements."

It's not democratic and it's not any assurance of a resolving of these regional tensions and differences. It just provides a mechanism through which an institution may be perpetuated, not resolved, because there is not within that body the real opportunity for their resolution.

[4:45]

So—and I throw this out just for your thoughts—if we want to have a democratic procedure, and if you want to have a resolution of those difficulties, I suggest that the two proposals that have come from the so-called Macdonald committee, the Advisory Committee on Confederation, and from Ot-

tawa, the House of Federation and the House of the Provinces, neither of which does it, that again the proposal put forward by Ed Broadbent is worthy of consideration. Namely, you eliminate this second chamber. It's as useless as the appendix, which is not an integral and necessary part of the human body or of the body politic.

What you can do to give a more democratic reflection of the will of the nation is, as Broadbent suggested on behalf of the New Democratic Party, extend the House by some 80 members who were chosen on the basis of proportional representation so that all parties will have representation from all regions. They won't find themselves virtually euchred out of the picture as all parties are in some areas. This gives a balkanized country, a regionalized country, with no real national parties that can help reunite the country. That sort of a House of Commons could rectify that.

It would be great fun to go into the detail of the proposals that came from the advisory committee and others, but I won't. I put this forward as an illustration of the reason why we should have been debating two or three years, why we should be debating now, and why we should be debating this fall our thinking on these issues. Then we would be in a position to play a part in the reshaping of our constitution.

Our forefathers played their part, with the Fathers of Confederation providing the leadership in shaping the original Confederation. We have the challenge of reconfederation that's going to take place—I hope in the 1980s.

Let me in conclusion, make one or two general observations: In my view—and I think here I am on common ground with my colleague from Lakeshore—there was implicit and explicit in the Pepin-Robarts report a healthy, open-minded, tolerant kind of approach. It was an approach which acknowledges the legitimacy of self-determination on the basis of a clear vote on clear issues, as far as Quebec is concerned, so we are not going to be sending the troops in, and neither are we going to be building walls along the Ottawa River if perchance they were to vote that they didn't want to remain in Canada. But it asserts as vigorously as possible that it is our conviction—certainly it is our conviction in the New Democratic Party—the interests of Quebec and the interests of this nation are not going to be served by Quebec separating into another country. That would infinitely complicate our life on the northern half of this



continent. Therefore we should be building these bridges.

My friend from Lakeshore pointed out that because there has been no opportunity for debate, the minister came up with an interesting idea that we should maybe have an exchange between members of the two Legislatures. I judge this would be primarily a social thing, and I don't denigrate that wholly, but I think much more can be done.

I was on one of the groups—the working party or whatever you want to call it—the New Democratic Party sent down to Quebec, and it was very fascinating. In a two- or two-and-a-half-day period we met some 10 or a dozen economic, social and political groups and talked through issues of common concern. Some of them were Pequistes; some of them were anti-Pequistes. We came away with a greater appreciation of the issue and they came away, I think, with some appreciation of what the views of the people of Ontario are.

I think that's the kind of thing that should have been going on. I would hope if we have a committee that does this, we will not only have an exchange visit between the members of the Legislature in Quebec and here, as was done back in 1964—it was something of a buildup for the Confederation of Tomorrow conference—but we also can have working committees that can come to grips with the thing around something other than just a cocktail glass. I'm not deploring the cocktail glass. Human relationships can be strengthened in and around the cocktail glass, I acknowledge, but I think something more substantive than that can be done.

The only other general point I would make is that on issues like entrenching human rights or on what is the best way to get a more democratic resolution of the tensions and regional differences within this country, such as I was referring to a moment ago, I for one think it would be unwise for anybody at this point to have conclusions that are etched in stone or dogmas that they're going to fight for throughout.

My whole approach to what is likely to happen in this reconfederation process is that inevitably it is going to be something like the process from 1864 to 1867. Then you got people together, people with the most disparate views, people who were personally and politically bitter enemies, the Sir John A. Macdonalds and the George Browns. They faced the reality of a nation that didn't exist. Then it was a collection of colonies that hadn't achieved a viability for

political life, whereas now the prospect is of a nation that is going to be split. These differences will be submerged among those who have the common good in mind, as happened then.

If we go into those negotiations, as inevitably they're going to develop in some fashion or other in the next few years, it is wise for us to go in saying there are certain goals we want to fulfil and there are certain mechanisms, options one, two, three and four, for achieving those goals. But we should not be so irrevocably wedded and committed to any one, because I venture the prediction that people will go in there and, in the process of compromise and negotiation, they will come out with something that before they went into the negotiations they would never believe or admit they might be associated with. That's the essence of compromise. That's the essence of the whole negotiating process.

There are many things that you and I, from our particular advantage and approach to the issue, at the moment may think are either intolerable or undesirable but, ultimately, as part of the process we are going to be willing to accept because it will be necessary to accept it to build a restructured Confederation for the next century and, hopefully, it might work at least as well as the one we had for the last century.

I will leave the matter there. I hope a committee is established. I say it with a great measure of regret because there is nothing I would more dearly like than to be on that committee—and I won't be able to because I'm tied up with another committee. It's with great generosity that I say someone else can have that spot and I, green-eyed with envy, will take my seat and read their report and say; "Damn it, if I had been there, it might have been just a little bit better or at least a little bit different."

**Mr. Deputy Chairman:** Does the minister wish to reply to that at this time, or does it require a reply?

**Hon. Mr. Wells:** Yes, I'd like to make a few comments, Mr. Chairman. I always enjoy hearing the comments of my friend from York South also those of the members for Brant-Oxford-Norfolk and Lakeshore on the constitution. As a matter of fact, the one reason why we have great doubts about a committee is that we know the member for York South won't be there on it. If he was going to be on it, we would have no problems with it.



**Mr. MacDonald:** Oh, come on, that's the lamest excuse you've given me and, God knows, you have given a lot of them.

**Mr. Ashe:** We'll give him a release from the Hydro committee.

**Mr. Nixon:** We can turn Hydro over to the member for Carleton East (Ms. Gigantes).

**Hon. Mr. Wells:** I'd like to just quickly deal with a few of the matters. Although there are few members here, we have had another interesting discussion. I draw my friend's attention to the fact that this is the second discussion we've had in this House on constitutional matters since the House began last fall. I just assumed this role as Minister of Intergovernmental Affairs last August. So in less than a year we've had what I would consider two fairly major exchanges in debates in the estimates on this particular section.

I must admit I can't recall when the estimates of the Ministry of Treasury, Economics and Intergovernmental Affairs used to go through before whether this kind of debate occurred or not. I haven't had time to check and see that, but last fall and now at this particular time on this vote we've had a debate. As I recall, last fall 10 or 12 members of this House took part in what I thought was a very interesting, uplifting and inspirational debate on this particular subject.

I don't think we have been complacent. My friend from Lakeshore says we have been very complacent on this whole issue. We may have been complacent to the extent that we have not had a committee of this House, but as a government and as a province interested in, first of all, bringing about some kind of constitutional reform in this country and developing a process that we can use as the Quebec referendum comes closer, we have not been complacent. In fact, I think we have been anything but complacent. As I indicated in my opening remarks, there have been—

**Mr. Lawlor:** You have done precious little.

**Hon. Mr. Wells:** You think we have done precious little? I know you have made some comments in jest about the whole discussions being in the hands of the bureaucratic elite. I can't recall the exact phrase you used, but if you were to ask the staff of the Ministry of Intergovernmental Affairs if there has been precious little done in the last eight months, I am afraid they would say you are very wrong. There has been more done in the last year or eight months in this whole area than probably occurred in three or four years before.

As I indicated to you, there have been two federal-provincial conferences held on constitutional reform. There was a series of meetings—

**Mr. Lawlor:** They achieved nothing.

**Hon. Mr. Wells:** I disagree with you. I don't think you can say they achieved nothing.

**Mr. Lawlor:** They got bogged down on economic issues.

**Hon. Mr. Wells:** They have started down the road to laying the groundwork for more significant achievement.

**Mr. Lawlor:** There may be a fair amount done behind the scenes. By the way, I'd like to have whatever you can give me; you offered all kinds of papers.

**Hon. Mr. Wells:** All right. We will send you all the papers we have. Anything that was achieved, I think you saw it publicly manifested in the television coverage and the reporting of the last first ministers' conference. Since that time, because of the federal election, there has been a hiatus on any discussion and most of the activity taking place.

I think the groundwork was laid significantly to carry on the kind of discussions I saw, and I must say I measured them only from my involvement in these discussions and other discussions on things not related to the constitution, but the kind of attitude the provinces brought to that particular task suggested to me that we can keep the ball rolling, to use the vernacular term, and keep the process going.

It is not necessarily going to be over in a short time, but I think we can keep it going. What I sense you want is a greater involvement in it, and that is a very valid position to put forward. Certainly we cannot be in a position of arriving at conclusions and agreements on a new constitution for Canada which does not have the groundswell understanding and involvement of all the elected members in all the provinces across Canada. We must be sure we develop that.

You also put forward the proposition about wondering what Ontario's position is and has been, particularly in these last series of discussions which have gone on and in those discussions which will go on shortly. I think the member for York South (Mr. MacDonald), probably unknowingly, in a few words epitomized the position Ontario has put forward. It may or may not be agreed to by all members of this House, but we did not go forward in any of the meetings or discussions with any positions etched in stone.

[5:00]



We did take that position for the very valid reason that many provinces over the years have viewed Ontario with a little distrust because they thought eastern Canada, being the economic centre of Canada, was always trying to get its own way, that we come in with the propositions and everyone is expected to accept them, because that feeling to some degree persists out there across the country; and for the other reason that we felt our position should be one of honest broker in the constitutional discussions that were taking place, that we, having studied the positions, should try to take a posture at the various meetings of bringing together the different elements that were present at the discussion table, at the negotiating table, to try and arrive at, as again my friend from York South said, a position that would be acceptable to the greatest number of people.

In other words, we didn't come in and say: "This is the way it should be. We're going to try and convince you that you all should agree to this." We came in and said: "Look, there are certain overall principles we think have to be adhered to, but within those overall principles"—and I think they were outlined in the speech from the throne—"there's lots of room for all of us to sit down and talk about the division of powers, and what the Senate should be like and what the Supreme Court should be like. Let's see if we can get a consensus, at least of a majority of the members of this federation." That really is the position we have taken. We've tried to draw together, out of the discussion, a lot of different ideas and to come up with what might be acceptable to Ontario and to all of the members of the federation.

We haven't been successful. The conferences haven't been successful in doing that in a great number of areas, but—and I'll be glad to send the honourable member the documents from the meetings on the 14 items—we have arrived at consensus on some; we've arrived at just about consensus on some others; and with a little more discussion there are others on which we can arrive at some general agreement. There are others on which we stand quite far apart, but they are going to have to be worked upon.

With that position having been stated, that is, of us acting as the honest broker trying to facilitate discussion and bring together the provinces and federal government in Canada to try to help arrive at some positions that are acceptable to all, why, then, did we put forward the proposition for patriation of the constitution? If necessary, unilateral patriation without amending formula. We put forward that position, which began to look more like

a position that was etched in stone rather than a conciliatory position, for the very reason that I think some members have brought out in this debate, which was that a lot of people in Canada really don't see constitutional reform and constitutional discussion as important, because as was indicated in the debate on Friday, people say to us: "Why are you worried about constitutional reform? Why are you worried about a constitution changing certain powers when what you need to worry about in this country is jobs, and the economy and so forth. We can think about that somewhere down the road, five or 10 years from now." They say this without realizing that they are all intertwined, and what happens constitutionally does have an effect on the economic future of this country.

Also, you can talk to people—and I've talked to them and I know the honourable member has—and you say: "Are you interested in keeping Canada together?" The answer, of course, is a very resounding: "Yes, sure, I want to do everything I can to keep this country united." Then you say: "Well are you interested in constitutional reform?" Then they reply, "No, I'm not interested; what's that got to do with it?" People don't even realize that the essence of rebuilding this federation is tied up to a renewed constitution; that's the way, the peaceful way, we can do something constructive to keep Canada united. Therefore, by suggesting the bold act of patriation, we felt that if a government in this country, a federal government, could say to the people of Canada through a joint address of the Senate and the House of Commons: "We're going to bring the constitution back to Canada. After 112 years our constitution, the British North America Act, which is now an act of the British Parliament, along with those other things that are connected with it that make up the constitution of Canada, we're going to bring it back here and henceforth, from here on in, the constitution of Canada remains here in Canada"; we could then proceed down the road of renewing that constitution, not with a view to going to Westminster to bring about the changes but making them right here.

We do it even without an amending formula. If we can't arrive at an amending formula we leave all those matters concerning an amending formula just the way they are and we bring the constitution back here. Those things still stay; we operate under the same ground rules but we have the constitution here.

Perhaps that act of bringing the constitution home will be enough to make at least a



majority of the people of Canada aware this is an important task we are on and it is one that we should be concerned about. It is one that holds within its promise the future of Canada, not only as a united country but as an economically-sound country. So for that reason we adopted that stance at the conference that was held last February.

The federal election is over. The Quebec referendum is coming. We still believe that—

**Mr. Lawlor:** You forgot to tell Joe.

**Hon. Mr. Wells:** Oh he knows. You mean we forgot to tell him the federal election is over? I think he knows.

**Mr. Lawlor:** You forgot to tell him about repatriation.

**Hon. Mr. Wells:** I think he is aware of that. Flora certainly is. The present Minister of External Affairs, I recall, sat very diligently through all the public sessions of the various first ministers' conferences, and I am sure she will be able to share her views very eloquently on what went on.

Anyway, we now face the Quebec referendum, which is to be announced shortly. We have had the federal election; the new government is in place and the ministers who will be concerned with constitutional reform and federal-provincial relations have been appointed. I think we now have to pick up where we left off. We have to re-establish our steering committee of federal and provincial ministers. We have to prepare for a ministers' conference which will ultimately lead to another first ministers' conference; we have to keep the process continuing because we have the base from which we can operate.

The base has been indicated by my friend in his discussions, and by many people here in their discussions. I think the base for operations is the work that has gone on in the continuing committee of ministers on the constitution. The work is there in the Pepin-Robarts task force report.

However I may say it was very interesting to watch Jean-Luc Pepin on Question Period last night. He indicated he believed he would no longer be responsible for federal-provincial relations or the constitution in the shadow cabinet the Leader of the Opposition set up. He hoped he would be in something completely different; he seemed to want to get away from being responsible for this area. He also, I think, changed position slightly from the one he had held a few months ago that the report represented an entity that linked all together. If I recall correctly, he said last night you could take certain sections or pages here and there but not worry about some of their other recommendations.

I have always felt, since I first read this report, that it offers good background material for any group studying a renewed federalism in this country. It is a very valuable source of information. I think something forgotten by many people is that it represents a report that was developed after very extensive public hearings. It represents the work of the committee after they sat in province after province, all across this country, and listened to people from every walk of life talk about what they wanted in Canada and how they thought the country should be restructured. So it represents the synthesis of a lot of opinion from a lot of people; and that is something that many of the other reports that have been written do not contain.

We also have the two reports of the Ontario Advisory Committee on Confederation. I would like to say a couple of words about the Ontario committee, because of course that has been one of our approaches in government. We do not believe all the work on Confederation or leading up to the various conferences should be done completely in government, so Ian Macdonald was appointed chairman of the Ontario advisory committee, which is a committee that advises the Premier and the cabinet of this province.

I would like to read the names of the members of that committee so members of this House will know who sits on the Ontario Advisory Committee on Confederation: Judge Rosalie Abella of the family division of the provincial court; Gail Cook who is an economist; Rodrique J. Bilodeau who is chairman and chief executive officer of Honeywell Limited; Dr. Jean Noel Desmerais of Laurentian Hospital; Ken Dryden of the Montreal Canadiens, who is also a lawyer; Robert Duffy of the editorial board of the Toronto Star; the Hon. George Gale of the Ontario Law Reform Commission; Robert Kymlika, dean of social sciences, University of Western Ontario; Roland Michener, former Governor General of Canada; Hugh Peacock of the Ontario Federation of Labour; Anne Michele Meggs who is a former assistant secretary of the committee; Robert Simeon, director of the Institute of Intergovernmental Relations at Queen's University; and Frank M. Vasilkoti, president of Triarch Corporation Limited.

Other members have sat on that committee and for various reasons are not now sitting, so there are others I should name, although I do not have their names here, who have taken part in the preparation of the report.



I also recall the Destiny Canada conference held at York University in June 1977. This was our ideal—the government and York University and the Ontario Advisory Committee on Confederation and others—to try a vehicle through which we could get across to the public some of the things that were happening in this particular area. I think it was a successful conference.

I also draw the attention of the House to the fact there is a very important series of booklets prepared by the province of British Columbia on constitutional problems. Any discussion of background papers on the constitution should not neglect the significant contribution of the province of British Columbia, which for the first time many of us can recall has put down in very precise terms the kinds of things officials there see as their perspectives. It is a very well-written series of booklets. I suppose the only criticism I might have is they tend to fall into the category of etched in stone. Sometimes when we sit down at the table they are pulled out and they say: "We said this in our booklets," and it is a little hard to move them off the position in their booklets. I suggest that probably could be done with good debate. Their proposals represent, I think, another very important source.

There are many others. The Canadian Bar Association has done a lot of work in this particular area. Except for their misguided idea about the monarchy, I think they have a very good report. It provides good background for anyone studying these particular matters.

**Mr. Lawlor:** After all, most of them are Queen's counsel.

**Hon. Mr. Wells:** That is right. I would also like to say the tenor of the kind of discussion that goes on at meetings on the constitution and on constitutional reform was presented very well here a few minutes ago by the member for York South when he talked about the conflicting opinions in regard to entrenchment of human rights, and "the charter on human rights" as that matter has come to be called.

[5:15]

I note he put forward Mr. Broadbent's position. As I recall, Flora MacDonald and the federal Progressive Conservative Party in those days also put forward a position very strongly for entrenching fundamental human rights in the constitution. Then, measured against that, there are the opinions of Premier Blakeney of Saskatchewan and Premier Sterling Lyon of Manitoba, and to some de-

gree that of Premier Bennett of British Columbia.

No one is against human rights. I suggest all of the provinces in one way or another have legislation on human rights. They have advanced legislation on employment practices and so forth. They have guarantees of legal rights. The kinds of rights we are all talking about are not in question; it is the way we handle them. Do we entrench them in a constitution or do we not entrench them. I think that has been the question that has been before us at many meetings. It is one for which we have not yet found an answer, and I don't know that we have any magic answer at the present time.

I don't know whether the members of this House have seen the proposed Ontario draft for discussion by first ministers. It is what we call the mini-charter of human rights. It was a draft that would replace the very long draft that was in the former federal piece of legislation called Bill C-60. Ontario, incidentally, was the only other province I can recall that actually put forward an alternative draft at our meetings.

In other words, we tried to hit a position in between the positions; on the one hand of a very detailed charter of human rights entrenched in the Constitution, as was in the federal Bill C-60; and the position of many of the Premiers, that basically we could be seen to be limiting human rights by entrenchment. We tried to come in with an in-between position, just for discussion. Certainly, at this point, it has not been accepted by all the provinces, but it has provided a starting point for some entrenchment of fundamental freedoms and certain language rights in education.

I think that shows just some of the detail and scope that must go on in these discussions. I welcome the comments we have had in these estimates so far. We are going to have an opportunity to debate the idea of a committee. It hasn't been completely rejected, as some of the members have said in this House. As I recall, the last words I uttered on this matter were that the House leaders were going to take a look at it. My friend the member for Brant-Oxford-Norfolk (Mr. Nixon) is not here—

**Mr. Worton:** He has gone to discuss it.

**Hon. Mr. Wells:** He has gone to discuss it, has he? Good. I didn't want to leave the impression that I had said the House leaders had said it couldn't be held during the summer, I think when the members for Riverdale (Mr. Renwick) and Ottawa East (Mr. Roy) and I had a discussion about it. The member for Ottawa East and I found some resistance in our own caucuses to any more committees



during the summer, not by the House leaders but by our caucuses. We really found that the schedule for the summer was such that it would be very difficult to schedule another committee.

That being as it may, the suggestion was that perhaps the fall would be an early enough time to start in. That was the final suggestion we were left with, that a committee organize now and start meetings in the fall. That was the suggestion we were taking back to look at and which I think all parties were going to take a look at. I thought perhaps the House leaders, who meet regularly and also have to schedule these things and make sure they work, were the group that could discuss the matter and see where that idea should go from here. I think that's where it stands. We will have to wait and see what results from that discussion, and then from the discussion among all the parties.

With those remarks, that is all I would like to say at this time on that particular item.

Vote 602 agreed to.

On vote 603, local government affairs program:

**Mr. Makarchuk:** Mr. Chairman, I was going to touch on the matter that was raised by the member for Brant-Oxford-Norfolk (Mr. Nixon), and discussed under the previous vote to some extent.

This is not the greatest constitutional issue but, in terms of unity, harmony, cohesiveness, the ability to plan our future, decisions to grow rationally and sensibly and so on, all these things seem to hang in the air right now while everybody in the municipal field is waiting for the minister to make up his mind.

The minister did indicate in his opening remarks, and to the member for Brant-Oxford-Norfolk, that he will be coming through with some kind of timetable or some suggestions or some solutions and that he hopes to make that announcement late in the summer.

It bothers me—and I think it bothers members of council as well—that, in effect, what the minister is suggesting is that he's going to have more discussions that somehow, somewhere, he's going to get these councils together from adjoining municipalities and they're going to sit down and come up with a rational answer that will be satisfactory to everybody.

I want to point out to the minister that they've been sitting and talking and talking for 11 years or 12 years now. They've had committees; they've had fact-finders; they've had committees within committees—in other words, you name it, and they've had it. They've gone through the various possible methods of communications of which one can

conceive to come to a solution to the problem, and they're no closer to a solution now than they were 10 or 15 years ago.

That's why, when I hear the minister say, "We're going to come to it again, but we're going to have these consultations and we're going to have all these other things," it seems to me what we're embarking on here is another exercise in futility. We could continue with these futile exercises, I suppose, if the minister finds it fascinating or if some other people find it fascinating—and perhaps some people do. I don't think the minister's people do. I don't think the people in the ministry find it fascinating, and I don't think the minister is finding it fascinating; neither do the urban municipalities that are faced with problems find it fascinating to continue talking and talking. At this time they are looking for solutions. The necessity, of course, is that there are pressing problems.

There are problems of planning, urban growth, development, sewage, environmental problems, land-use problems—all the problems associated with the municipal administration. This is not new to the minister. He's aware of it and he knows it. It has been brought to his attention on many occasions, and he has acknowledged it in the speeches he has made.

But somehow I want to impress upon the minister that there is frustration up there. It's not just frustration within the municipality of Brantford; it's not the only one in the province. There are a lot of other urban municipalities that are feeling this frustration.

They came to the minister at a meeting a year ago and stated their views. They expressed what the problems were. I think the minister was aware of them. The Premier, who was there, was aware of them. The Attorney General, who was there, I am sure was aware of them. Here we are, a year later, and the minister is promising us that, some time late in the summer, he's going to come up with a definitive statement.

I don't know what the minister's definitive statement will contain, but I'm going to take him at his word. After 15 years, I suppose another couple of months isn't going to bring about the end of the world or bring about a calamity.

However, I want to caution the minister and warn him that there are people out there who are watching this thing, who want some answers and who want some action. They don't want to see the ministry—which has to provide the leadership in this case—sliding all over. The ministry is not moving



forward; it is going sideways, like a demented crab. Every time the ministry comes to a problem, it slithers to one side or the other side. The ministry is not meeting the problem head-on.

There's no question that there will be some animosity. Certain people don't want annexation; other people want different processes to take place, or whatever. But nobody seems to agree totally as to what they want and how things should be done.

But we do have some patterns established. We have some past experience about what works and what doesn't work on a municipal level, and surely with all that expertise and all that knowledge and everything else you've got, with all the king's horses and the king's men that you have within your department, I hope you will come through by the end of the summer, as you say, with something that a municipality can latch on to and say, "All right, we have an annexation problem, we have to resolve it," they can latch on to this, you set up a process that will, within certain reasonable time frames, come to some kind of conclusion.

The minister has made some comments before, and could I just get assurance from him that this time, once and for all, he is really going to tackle the problem head on?

**Hon. Mr. Wells:** Mr. Chairman, certainly we are going to tackle the problem; we've always believed we should tackle the problem. I draw to my friend's attention, though, that he and the member for Brant-Oxford-Norfolk can't agree in this House on what would be a solution to the problem. Brantford township and Brantford can't agree on what should be a solution to a problem, and we are expected to come up with the so-called magical solution. Some of them that were in that brief that the urban municipalities gave to us eight months ago or so, would perhaps make the city of Brantford very happy, but they would make Brantford township very unhappy.

Some of the solutions that we might contemplate here could perhaps leave a lasting effect in the community that would be detrimental for many years to come. The question that I have to weigh is, what's worse, something that could create that kind of division and detrimental effect or the kind of situation that has just been indicated to me by the member for Brant-Oxford-Norfolk, that there appears to have been a bit of cooling-out of the situation there, and certainly from his point of view he doesn't see it as major a problem as he did.

I don't think that's right; it may not be as visible at the present time, but I can tell my

friend from Brantford that I'm getting as many letters as I know he is and as many calls about what's going to happen and how can the situation be handled.

I just want to underline, first, that we will come forward with our suggestions for a different way. I also want to underline that they are not going to be some magical solutions that are necessarily going to solve everything. I want to also underline that they are going to take the goodwill and the hard work of people involved to make them work and that's the kind of thing, I think, that in any annexation or amalgamation is necessary if you have two violently, unalterably opposed groups.

It's very difficult. I listen to both sides in my office many times and it becomes very hard to know who to side with. You listen to the urban municipalities and you hear their story and it all sounds very plausible and very feasible. Then when the other group comes in and tells you how they are just trying to live their lives and get along and they are suddenly being grabbed at by somebody next to them, you become very sympathetic with them. Then you have to sort of try and bring balance into the whole thing, and that's what we are trying to do.

Also for that area, of course, if they felt that the normal route was acceptable to them, of course that's not out of the question either, but we have assumed that they don't want to go the normal OMB route in the Brantford-Brantford township area, so we are trying to come up with something that will be a little different. I might tell my friend that in the Barrie-Innisfil township situation, where they have been through all the normal routes and all the expense and all the time, we are still trying to find some way to perhaps bring that to some conclusion, and that is very difficult again, to get all the people to agree to some kind of process. While people out there think we have some kind of power that can automatically, if we say something, turn off the most violently opposed person and make him a very docile conciliator, that doesn't happen very often, and it's very difficult sometimes to change people around and get them to accept those kinds of positions.

However, you do have my assurance that we are working on it and, the way I see it, based on the kinds of comments and suggestions we'll get from the various municipal groups, when we come up with our suggestions for a different method and way of handling these matters I am sure that Brantford and Brantford township will be the first area we will want to try the whole process in. That should be towards the end of August.



[5:30]

**Mr. Makarchuk:** You don't sound too reassuring to me. I don't know what the member for Brant-Oxford-Norfolk is talking about when he says the situation has cooled off. You've got a letter on file and, if you want, I can read it to you to give an indication of the continual frustration they feel. There is an element of frustration in council.

As you said, we're not going to pacify everybody and everybody is not going to be happy about the situation. If you talk to the people in both places and explain the problem to them—and there has been a considerable amount of effort to explain the reasons for certain actions being taken—you'll find out they are basically reasonable and receptive.

It depends on to whom you listen. If you listen to the reeve of Brantford township, who I consider—and I say it in public as I've said it before—the most destructive element in the whole of Brant county in terms of trying to rationalize and bring some kind of satisfactory conclusion to that area. It's unfortunate that we have to get into the feeling that we'll listen here and listen there, and we continue doing this thing, but we never resolve the problems.

The problems are increasing. It's detrimental to the community in just about any way you want to look at it from the civic point of view. The people realize it. It's not only the people in the city of Brantford who realize it, but also the people living outside the city, outside the boundaries but still in the urban areas of Brantford township, who realize the situation and are prepared to look at it.

It's not like going into an annexation for the benefit of some individual. The decision is there for the benefit of the whole community. It's not for the benefit of the councillors in Brantford township or the benefit of the councillors in the city of Brantford. No one gets any kind of personal gain out of this situation. It's strictly a desire on the part of the people up there who see certain needs in the community, who are concerned about the community and who are trying to meet those needs so that the community can continue to function and grow.

As Harry Truman used to say, "The buck stops here." Somewhere you have to put an end to the passing of this buck. I admit that we don't expect magical solutions, neither do I consider you the wizard of IGA. However, we are looking for solutions and in the final analysis we have to go to the ministry. There is nowhere else we can go.

Brantford township has indicated in the letter that was sent to you recently that if

there is no final solution by August it wants to go the OMB route, frustrating as it may be and expensive as it may be. That should indicate to you the feeling of those people who are trying to run the city. And you're not helping them a damn bit.

**Hon. Mr. Wells:** Some of my predecessors in this government came up with the so-called magical solutions from 1968 to about 1974-75. We don't have too many of you over there wanting to acknowledge they were magical solutions. That was the very essence of regionalization and regional government and restructured counties. It was to provide what was supposed to be a much better way of handling this particular problem.

I gather that no one in Brantford is suggesting a restructured Brant county with Brantford as part of it and everyone working into that particular situation. My friend is not suggesting that we do that?

**Mr. Makarchuk:** I'm not suggesting that you have to go the whole hog. There have been some suggestions that there could be a restructuring that would possibly satisfy most of the people in the county. If you talked to the people in Paris, they're interested in annexation; if you talk to the people in South Dumfries they're interested in some type of annexation or new agreements. Talk to the councillors in those communities. But, basically, outside of Brantford township, I think, every municipality in Brant county, is prepared to look at something different. They will acknowledge that we have problems that have to be sorted out. Somehow they have to be dealt with.

This ministry is the only one which can help to arrive at some resolution for the simple reason they have been doing exactly what you are suggesting they should be doing, continue the talking. They have been talking, ministry officials have been talking with them, officials' officials and so on and it becomes perpetual motion in discussion.

One can't operate the province or the city on just talk alone. Sometime someone has to make a decision. Somewhere you have to arrive at some conclusions and start implementing decisions in tangible planning matters, environmental matters, sewers, waters, transportation corridors, all these kinds of things—fringe business developments, particularly if you have a downtown development you are trying to make viable. All these are important.

If they are not dealt with now, when are they going to be dealt with? When you do get around to dealing with them later on, chances are it will be too late. The whole



area will have been ruined by procrastination and inactivity.

**Hon. Mr. Wells:** As I indicated in my first remarks, I recognize the problem and we are hoping to come up with something soon.

I want to point out, when we tried those solutions which I think are working—that is, the regional governments in this province—every time we have tried those we have been accused by some members of the third party and members in the official opposition of being arrogant, of being autocratic, of contradicting local autonomy and so forth. They were the so-called magical solutions to solve the problems of urban expansion, or resources for everyone, to do an adequate job of preserving agricultural farm land and rationalizing it with industrial land and so forth. They were to be the better way to handle the situation.

We have stopped doing that because it hasn't proved to be the better way from the point of view of those people affected, who don't see it as any better way. I must say I think regional governments, on balance, looking at all the pros and cons, have been effective and have done their jobs in the province.

**Mr. Haggerty:** Would you say that applies to the Niagara region?

**Hon. Mr. Wells:** As it applies to the Niagara Region, yes, I would say that. I think the regional government is fine in the Niagara region. What is needed are a few changes of attitude.

I went down to the Niagara region. A little more industry is required down there—and not industry on the good agricultural vine-lands and tender fruit land, but industry in the member's end of the Niagara Peninsula. It doesn't take any wizard to see that. I drove around in one day down there a few months ago and saw that.

**Mr. Haggerty:** That is not the way the official plan is geared, though.

**Hon. Mr. Wells:** I think you have to effect some change and I think the member for Brock (Mr. Welch) sees that too. I hope the member for Welland-Thorold sees that, also. There is great potential down there but somehow, people have been scared off from the Niagara region. Industry thinks if it goes there it will be encroaching upon tender fruit land.

**Mr. Swart:** Industry isn't that knowledgeable throughout the Niagara Peninsula. Three-quarters of it is not unique.

**Hon. Mr. Wells:** I know it isn't, but with respect to my friend, they have had such a problem with some of the people there

over the years, they finally said, "Why bother even considering that area?" That is the attitude that has to be overcome and what I would like to help overcome so that some economic development can go into the Niagara Peninsula.

**Mr. Haggerty:** You can always make it crown land.

**Mr. Mackenzie:** To get over it you would get rid of the rest of the land.

**Mr. Makarchuk:** I don't want to get into the argument of regional government, but the big problem with regional government is the fact that taxes went up. People weren't that uptight about the restructuring or the new administration, but when their taxes went up, they were fed up with it. Everywhere it was put in place, that's the way it was implemented, instead of bringing in some reform in the tax system and everything else so the people didn't have to carry an extra load. Then probably it would have been found regional government would not have met with the hostility it has met with in the areas where it has been put into place.

I want to point out, in the Brant area, for example, where there are 90,000 people, there are five municipalities, five councils—they go on forever—and the point is they are spending. The per capita public spending in Brant right now, as of the last report that we did locally, is more than it is in the regional governments. That's something the minister should look at some time and point out when somebody is criticizing him about the spending in regional governments. In Brant, where we have no regional government, per-capita spending is higher than in the Niagara region, plus a few other regions, and we haven't even got the advantages or disadvantages.

**Mr. Ruston:** You are responsible for the Municipal Act and you made an amendment to it last December with regard to municipalities having a right to make agreements to put services in mobile home parks on agreement with the owners and the municipality. Have you or the Minister of Revenue (Mr. Maeck) looked at the system now whereby you are assessing mobile homes but the basis of collecting tax is by the owner of the mobile home park?

This is fine in that it can be paid in one lump sum, but there are some real ramifications to that in that they are finding in some cases that the taxes are not being paid on time. The owner of the park in one or two cases has not paid the taxes on time, while at the same time the owners of the mobile homes have.



In a couple of cases under rent review the park owner borrowed money to pay the taxes and yet the money had come in to him from the mobile home owners. The rent review officer allowed that as an expense. So, in effect, the people had paid their taxes on their mobile home while the park owner had said he had to borrow money to pay the taxes. He paid the taxes with what he said was borrowed money and the rent review officer allowed the interest and so forth to be a part of the rent increase.

It can happen the other way too, if the owner pays his taxes every three months, as in most cases they are collected three or four times a year or sometimes six times a year. In some cases, maybe they're not paid properly so that the owner could be paying the taxes when he hasn't collected on the mobile home.

I am wondering if the minister has had any representation or thought of the idea of having it so that each mobile home owner pays his own taxes on the same basis actually as business tax is paid for by a tenant who is running a business?

**Hon. Mr. Wells:** I don't recall us having that proposition put forward to us. I'd be glad to look into it and see what the pros and cons of it are. I can't recall anyone suggesting it to us, but I'll look into it.

**Mr. Isaacs:** I have a number of questions for the minister arising out of my colleague's comments about the Brantford situation and arising also from the minister's opening statements.

I'd like to take the Brantford situation, first of all, and expand that because I think that it's a very fundamental problem facing municipalities in Ontario at the present time. It's unfortunate that we're talking about it now as if it were a new problem because the problem of local government restructuring and more particularly of annexations, has been with us for a very long time. We don't seem to me to be any closer to a solution now than we were 15 or 20 or perhaps even 35 years ago, though I wasn't around then to know what the problems were.

Until we identify what local government is supposed to be doing, what its responsibilities are and why it exists in certain defined units, I think we're going to have the problems we're facing at the present time. I hope the minister will take a look at that area and try to come up with a definition of what a municipality is and what it's supposed to be doing.

It seems to me that when we're dealing with annexations or restructurings at the present time, there are at least two major

issues that arise all the time. One is property taxes and the other is planning. It's probably taxes that come first.

[5:45]

In the Brantford situation, in the Sarnia situation and in all the restructurings that we've been through that have arisen for whatever reason, the people who are to be annexed or absorbed into another municipality always have the impression that their property taxes are going to go up, and in every situation that I have been able to research they have been right. So we have a situation where it is to the financial disadvantage of the people who live in the area to be annexed that they get involved in this kind of situation.

I think that is unfortunate, and I think it relates to the overall problem of property taxes and what property taxes are supposed to be doing in this province. I think if we could identify that property taxes were to pay for the services people received we would be making a big step forward in terms of eliminating that problem from consideration when dealing with municipal restructuring.

I could go on a lot more about property taxes but I don't intend to, because we have spoken a lot about them already and there is so much that could be said. We could take up all the time of this vote, and I don't want to do that.

The other point I mentioned was one of planning. We are in a situation where annexations result from the desire of municipalities to expand their urban boundaries. Cities and large towns fill up the major part of the land available to them with urban land uses, then they turn around and say, "Where are we going to grow?"

As we know, the whole property tax wealth syndrome in this province is based on growth. That may or may not be a good thing. I certainly have some reservations about it, but the minister commented a few minutes ago that growth was needed in Niagara, it was needed in Welland and Thorold and some of the other areas where it makes economic sense, where it is not doing any harm to the land use that is available—namely that of fruit farming.

That's true, but if there is to be growth in Niagara, where is that growth coming from? The odds are it is coming from Burlington, or even more likely that it is coming from eastern Ontario and northeastern Ontario, areas of the province which probably need urban growth, industrial and commercial growth, even more desperately than does the Niagara Peninsula.

I would suggest that while we have municipalities competing among themselves for



growth that is available in the province of Ontario, then while we might be benefiting the residences of one particular municipality—and I say “might” because I am not convinced we are—we are probably doing harm to the province as a whole.

We would be better in the long run if we established an official plan for the province, as has been suggested to the minister by the Association of Municipalities of Ontario, which laid down the growth centres this province is to have, established very clearly the priorities the province is to have, and put over that a tax structure which meant that it was not to the financial disadvantage of a municipality not to grow and there was no great financial advantage to a municipality to grow beyond its reasonable needs.

At the moment we are seeing a situation where the immediate returns to a municipality in terms of tax income from industrial and commercial growth may be beneficial. They certainly appear to be so at first glance, but when you take into account the additional services that are needed for that industry and, more importantly, the services that are needed to satisfy the sprawling urban growth that we are seeing around a lot of our cities, then in fact the growth may be counterproductive.

When we are having to build new schools to satisfy the residential growth in new urban areas, when we are having to spend a fortune—as metro people know probably better than anyone else—to provide transit services to urban sprawl, when we are having to provide transitional grants from the province to deal with relatively minor reorganizations of services, then in those situations and many others I do not think we are doing anybody a favour. We may be doing at lot of people in the province a disavour by allowing relatively uncontrolled growth, at least uncontrolled insofar as it is arising through competition between municipalities rather than as a result of proper planning.

I really want to suggest to you that in co-operation with your colleague, the Minister of Housing (Mr. Bennett) and the other ministers concerned, you sit down and look at the proposals for an official plan for Ontario, not just for the Toronto-centred region but for the whole of Ontario, to begin to identify what is going on in the municipal arena and where growth and planning are the responsibility of the municipality and where they are the responsibility of the entire province.

As an aside I want to say I think the white paper that has been recently introduced by the minister's colleague on the Planning Act is a big step forward. It is at least saying responsibility for planning rests primarily at

the municipal level. I think that will cause a considerable amount of respect to grow for municipal councils. It will finally get us away from the syndrome where municipal councils are just a step in the whole planning process and put us in a situation where local taxpayers take municipal elections very seriously and realize when they are electing their local council they are electing the people who will decide the future of their municipality.

That is a good thing, but I do not think it can be allowed to proceed unless there are fairly stringent guidelines and a reorganized system of conditional and unconditional—hopefully mostly unconditional—grants for municipalities so we get away from the competition for growth we have right now.

My second point relates to the matter of environmental control. I am concerned that the problems we have with waste disposal, both residential and industrial waste, have now been handed carte blanche to the municipalities. I do not believe the average municipality is capable of dealing with them. I do not believe the sort of changes we need in the way we handle waste materials are within the capability of any but the very largest municipalities. I have my doubts as to whether they are within the capability of those municipalities, because at the moment at least, there is no financial incentive to a municipal government when dealing with waste disposal. There is financial incentive to the province to deal with waste properly because we save money in the long run if we put in place the kind of recycling and resource recovery we should have.

Because it has been handed to the municipalities, I hope you will see it as resting in part within your portfolio and that you will interact with the Minister of the Environment (Mr. Parrott) in order to ensure environmental matters get the priority they have to have in this great province of ours.

Having dealt with what I see as the overall problems that face us, I want to address a number of more specific problems municipalities, citizens and taxpayers have brought to your attention over the last years. I hope I can elicit from you a fairly clear response as to the direction the government is taking.

The first concern I have relates to the matter of local boards. At the moment we have a considerable number of local boards with responsibility for a great range of services. Most of those local boards are run by appointees rather than by people who are elected, although in some cases elected officials serve on local boards and that satisfies me. If I can take just two of the many ex-



amples available, the first is conservation authorities.

While a conservation authority is undoubtedly a very effective and necessary body for dealing with water resources, erosion and landfill problems within a watershed—and it is effective because it is removed from the electoral process—I want to suggest it is far less effective when it begins to compete with municipalities in the provision of recreational services of all kinds. I am very concerned that we seem to be getting into a situation where conservation authorities are setting up camp grounds and parks of various kinds that have nothing to do with conservation. They are there solely to satisfy the recreational needs of a region.

I hope you will take a look at that and make sure the conservation authorities don't become some kind of upper-tier parks committee. I hope you'll ensure those responsibilities for the provisions of parks and recreation are left fairly and squarely with elected bodies, while the water conservation functions are retained by the appointed bodies.

The second example I want to use is that of library boards. I know it is one about which there is a great deal of debate, but I cannot understand why library boards continue to occupy the special legislative status they presently have and why libraries and the conditional grants that go with them should not become part of the unconditional funding general responsibilities of a local council. A local council should decide whether or not it wants a library; if it decides it does, let it decide how that library should be run.

That is something I have fairly strong views about, and I hope the minister will respond fairly clearly as to the long-term direction his ministry is taking in this area.

**Mr. Philip:** The minister can make his views known in the justice committee on that private bill that's coming before us.

**Mr. Isaacs:** That's right.

**Hon. Mr. Wells:** What's that?

**Mr. Isaacs:** Another area that has been under review for at least the last two and a half years relates to the matter of licensing. We have heard promises or threats, depending on which side you are on, that the government is going to introduce legislation that takes away much of the clout a municipality now has in the area of licensing. More importantly, it will take away the additional source of revenue that licensing has become for many municipalities.

There are certainly two sides to this. But I hope the minister can tell us when this debate is going to enter the public arena, rather than being in the back rooms of either his ministry or the Ministry of the Attorney General, wherever it is at the moment, so we can come to a clear and concise description of what functions municipalities should have and what functions should either not happen at all or should be retained by the provincial government.

One specific area of licensing I know is of great concern to a number of municipalities is that of pinball machines. I hope the minister will tell us what plans he has for either permitting municipalities to deal with that, or of permitting some kind of provincial government control of that whole area.

The next question I have for the minister relates to matters under the building code. Very commonly, we are getting into situations now where municipalities are coming into problems as a result of their relatively weak enforcement of the building code. If municipalities were to enforce the building code as I believe they should, to ensure that every building in Ontario met 100 per cent with the standards laid down in the building code, then they would be facing tremendous expense. This expense would have to be met by the taxpayers of the entire municipality, because the municipal council has no way of recovering it either from builders or from those who are purchasing the buildings that are put up.

Given the programs we have had for provision of low-cost housing and given the needs that industry and commerce have for low-cost buildings at this time when land cost forms such a high percentage of the cost of new construction and of new homes and factories, I believe we have to move to a new system for ensuring that buildings meet the minimum requirements. I hope that the minister can enlighten us somewhat and provide, for the information of municipalities and purchasers of new buildings, information that the government is taking a look at this and is considering new ways of ensuring that buildings meet the standards so that municipalities don't get involved in horrendous costs and what could be long drawn out legal suits.

**Mr. Deputy Chairman:** Will the member move that we rise and report?

**Mr. Isaacs:** I will do that. I do have a few more minutes of remarks and I will proceed with those next day.

On motion by Mr. MacBeth, the committee of supply reported a certain resolution.

The House adjourned at 6 p.m.



### ERRATUM

No.	Page	Column	Line	Should read
56	2287	1	8	over civil claims up to \$3,000. The bill

### APPENDIX

(See page 2768)

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

##### DECLINING ENROLMENT

**192. Mr. Bounsall:** Will the ministry indicate what efforts beyond the funding of the Commission on Declining Enrolment it has undertaken to assist local school boards to deal with declining enrolment? Will the ministry indicate the cash value to local school boards of these efforts? Secondly, in view of the recent reports that the Premier has stated that the province has not lessened its commitment to education even though the proportion of the provincial budget allocated to education has declined from fiscal 1975-76 to fiscal 1979-80, would it be accurate to calculate the province's savings from declining enrolment by calculating what the province would have contributed had it maintained funding at the level existing in fiscal 1975-76 and subtracting the present level? If this is not the case, will the ministry indicate how much money the ministry has saved as a result of declining enrolment and what benefits accrue to local school boards as a result of declining enrolment? [Tabled May 17, 1979]

**Hon. Miss Stephenson:** (a) The method of financing school boards in Ontario reflects the ministry's efforts to assist local school boards to deal with declining enrolment. It includes special provisions to offset the high cost of operating both small schools and small school boards. The amounts provided increase automatically as enrolment decreases. All boards with a total elementary and secondary school enrolment of less than 4,000 pupils receive a weighting factor to offset the additional administrative costs experienced in the operation of such boards. All boards with small isolated schools receive a weighting factor to offset the additional administrative and instructional costs experienced in the operation of such schools.

In addition, all boards with an elementary or secondary school enrolment of less than 4,000 pupils that experienced a drop in enrol-

ment between September 1977 and September 1978 in excess of the provincial average of 3.0 per cent elementary and 0.7 per cent secondary, receive a weighting factor to offset the fixed costs that cannot normally be reduced during the first year of the drop in enrolment. The total amount provided by the small schools and small school boards weighting factors in 1979 is approximately \$7 million. Twenty-six elementary school boards and 17 secondary school boards receive assistance with respect to declines in 1979 with a total of approximately \$500,000 being provided for 1979 (fiscal 1979-80).

(b) The ministry is unable to relate, with any precision, the proportion of the balance of \$6.5 million that relates specifically to declining enrolment.

(c) It would not be accurate to calculate as savings to the province from declining enrolment the additional amount that the province would have contributed as transfer payments had it maintained in 1979-80 the 1975-76 proportion of the provincial budget allocated to education.

(d) Funding in 1979-80 takes into account current conditions for 1979 including increases in per pupil operating costs (8.47 per cent elementary and 7.71 per cent secondary), decline in enrolment (3.0 per cent elementary and 0.7 per cent secondary), and the growth in the assessment base upon which taxes are raised (3.2 per cent over 1978).

The difference between current funding which is based on the conditions identified above, and funding based on hypothetical conditions can not be considered as savings to the province.

##### SCHOOL BOARD REPORTS

**203. Mr. Bounsall:** Will the Ministry of Education clarify its position on access of members of the Legislature to the reports submitted to the ministry by elected local school boards? Can members of the Legislature and staffs have immediate access to these reports, particularly the annual June and



September board reports, required by the ministry? If for any reason the ministry imposes restrictions on access to the documents, will the ministry explain: (a) the reason for the restrictions; (b) the procedure for having these restrictions waived? [Tabled May 28, 1979]

**Hon. Miss Stephenson:** The Ministry of Education honours all requests for access to information which it collects. However, in sharing information the ministry must ensure that there is no breach of trust.

To reflect this philosophy, the ministry has an understanding with school board officials, school principals and others who submit periodic reports in accordance with the Education Act, that we will release information only at the level of aggregation which will ensure that there is no breach of confidentiality. When the request is at the lowest

level of collection, such as the record of an individual student or teacher, the authority of the person who supplied the information is a necessary prerequisite for the release of the information to any other party.

With regard to financial data, the Education Act, section 179(3), provides for access to a board's audited financial report at the board's office. The financial statements for a board involve more than 40 pages and the board's estimates are over 25 pages long. The copies received by the central office of the ministry are active working documents used to validate grants, develop the subsequent year's grants plan, et cetera. Any member of the Legislature can examine these documents, but arrangements should be made in advance to ensure that the specific items required are available at a predetermined location and time.



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No. 69

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**

Tuesday, June 12, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

TUESDAY, JUNE 12, 1979

The House met at 2 p.m.

Prayers.

## STATEMENT BY THE MINISTRY

### TREASURY BILLS

**Hon. F. S. Miller:** Mr. Speaker, I want to make sure that the two opposition leaders have received their copies of my statement since mine just came to me. It is here and being distributed.

The province of Ontario is discontinuing its weekly sale of 91-day treasury bills in line with its reduced net cash requirements and improved cash flow outlook for the fiscal year 1979-80. The treasury bill program was started in 1971 to provide a flexible medium in the province's overall financing strategies. It has enabled Ontario to borrow for shorter periods at competitive rates of interest, to meet temporary financing requirements without resorting to the creation of long-term debt in the public market.

The program was suspended temporarily in 1974 and reactivated in July 1975. By March 31, 1976, Ontario's treasury bills had risen to \$325 million outstanding, but by October 1976 this had been reduced to \$130 million as the weekly tender had been lowered to \$10 million. To provide the temporary financing for the six-month reduction of the retail sales tax in 1978, the weekly treasury bill program was increased to \$25 million, and it again reached maximum outstandings of \$325 million by July 19, 1978.

Thus, as noted, reduced net cash requirements and improved cash flow have enabled the province to reduce this part of Ontario's public debt. On April 24, 1979, the weekly tender of \$25 million was reduced to \$10 million. Effective June 13, 1979, the program is discontinued. All outstanding treasury bills will have matured by September 12, 1979.

**Mr. Roy:** You are trying to gain from correcting your own mistakes.

**Mr. Peterson:** The Treasurer fouled everything up six months ago.

## ORAL QUESTIONS

### NUCLEAR PLANT SAFETY

**Mr. S. Smith:** I will ask a question of the Minister of Energy. You will recall, Mr. Speaker, when we were discussing Babcock and Wilcox boilers and my question as to why they were not bonded, the minister in his statement on May 25 said:

"Mr. Speaker, with respect to whether a performance bond should have been required, I am advised it is not the normal practice in the industry to require a performance bond from companies which build this type of sophisticated equipment, unlike the normal practice in the construction industry where a performance bond is required from the contractor."

How sophisticated a piece of equipment is a chimney at Wesleyville, which was not bonded and which has left Ontario with a bill of about \$1.5 million or even \$2 million or more because of the fact the company building it went bankrupt?

**Hon. Mr. Auld:** I really don't know, Mr. Speaker. A chimney doesn't sound like a terribly sophisticated bit of machinery to me, although some industrial chimneys have a lot of rather sophisticated equipment as part of them with scrubbers and things like that. However, the real question is what Hydro's financial position will be as a result of the bankruptcy of the company, as I understand it. I expect to have detailed information on that.

I am aware that Hydro had undertaken to have the job completed by another company. They have not settled with the bankrupt company and I assume they would not pay for any work that has not been done. I will have more detail on that and, as soon as I have, I will convey it to the House.

**Mr. S. Smith:** By way of supplementary, while the minister is checking on this, perhaps he will reflect on the statement made by Mr. Gordon of a bonding company which bonded other projects by Taylor Engineering, including one in Metropolitan Toronto, a \$1.9 million contract. It says: "Poor Ontario Hydro. The job wasn't bonded and they are going to end up paying quite a bit."



Could the minister let us know what is going on at Ontario Hydro that they seem unable to perform even the most normal and routine business practices in a way that will protect the public interest? Could he report on precisely what the loss will be to the users of energy in Ontario as a consequence of this blunder?

**Mr. Hennessy:** Without the newspaper the Leader of the Opposition would be lost.

**Hon. Mr. Auld:** I indicated that I would do that. I would point out to the Leader of the Opposition that in many cases some large companies which have a lot of construction, in effect, decide to self-insure themselves. I know that it is the case in the construction industry where, if a bond is required, everybody's bid is a little higher because they have to pay the bonding company.

I can understand the representative of one of the bonding companies saying it was unfortunate they weren't bonded because, obviously, the bonding company didn't get the premium on the bond. However, that is not to say that merely calling for bonds is an unnecessarily expensive practice.

**Mr. S. Smith:** What is it to say then? Hydro is bonding its own contractors. Is that what you are saying?

**Hon. Mr. Auld:** I just point out that not everybody has bonds, even though in retrospect sometimes they may have wished they had.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Would the minister undertake to have Hydro's policy with regard to performance bonds tabled in the Legislature and made available to the public? Would he also undertake to publish details of all Hydro contracts that are not currently completed and that are worth more than a quarter of a million dollars, where no performance bond has in fact been required, with an explanation of why?

**Hon. Mr. Auld:** That question might properly go on the Order Paper. That would take some time to get.

**Mr. Cassidy:** We want an undertaking now.

**Mr. Roy:** Supplementary: As the minister responsible for energy to the public of this province, will the minister inquire from Hydro why they are being so cavalier with the taxpayers' money and why they don't require standards from their contractors that any other contractor in this province involved in construction work requires, namely, a bond? Is he going to inquire for us why they do not protect the taxpayers' interests?

**Hon. Mr. Auld:** Mr. Speaker, I said I would get the information I think the honourable member is asking for.

#### ACID RAIN

**Mr. S. Smith:** Mr. Speaker, a question for the Minister of the Environment: Is the minister aware of a study in New York state regarding acid rain in the Adirondack region which indicates there can be harm to the drinking water as a consequence of leaching, not only from natural bedrock but also from metal piping in the distribution system?

In particular, is he aware of an article by LaBastille which suggests that even in copper distribution systems there can be a problem, not only from taste, but also from toxic metals that might be released from the soldering in the joints?

If he is aware of that, why did he write to the Toronto Star in April saying that as long as the system itself is made of copper there is no danger from acid water within the system itself?

**Hon. Mr. Parrott:** Mr. Speaker, we are aware of that particular study. There is some degree of uncertainty as to the effect of the joints as described. Perhaps on further reflection it could be safely assumed that statement is not a total reflection of the fact. It has a very minuscule effect; nevertheless, perhaps what the honourable member states is correct.

**Mr. S. Smith:** May I ask whether the minister intends to offer any advice to the areas particularly hit hard by acid rain? I think, for instance, of the cottage areas in Ontario where this is quite a problem. Will he be offering advice that these people flush their systems prior to using the drinking water? Will he be testing any of the drinking water for lead in particular and for copper to some extent? Will he be checking the municipal water supplies in cottage areas where people are on a municipal supply rather than on a well to be sure that the matter of acid in the water is being properly buffered and regulated so as to avoid a problem of this kind as has appeared in the Adirondacks?

**Hon. Mr. Parrott:** I would suspect that most people in the normal use of their system would likely flush it out in the spring for obvious reasons. The taste of water, if it were left there, would be fairly poor. Most of the time, of course, it is drained in the fall and very little water stays there because frost conditions would burst the pipes. It is obvious that for various reasons the system either is not in use in the wintertime or is flushed in the spring.



It would be an almost impossible job to notify all those cottagers. I think the fact that the issue is raised might be sufficient notice. I do not think I could say to the Leader of the Opposition that I could envision writing every cottage owner; it would be perhaps impossible. But the logic of his argument is fair, and I think people should use that caution, yes.

**Ms. Bryden:** A supplementary question, Mr. Speaker: I would like to ask the minister if he received the telegram from the resources development committee notifying him that in drafting our report we had decided that acid rain is a national emergency and asking him to pass this on to the other environment ministers he was meeting with on the west coast. Did he receive that, has he passed this on and are they prepared to take any federal-provincial action?

**Hon. Mr. Parrott:** I think that strays quite a way from the original question, Mr. Speaker; however, I am more than pleased to respond to the question. The Thursday of the conference was devoted to matters of environmental concerns, and the first paper was rescheduled at the request of Ontario so that acid rain would have the greatest prominence on the schedule. Canada presented the paper, and I had the pleasure to respond to that paper, I hope effectively, certainly at some length, because I feel Ontario does have the prime role to play in bringing the problem of acid rain to not only the citizens of Ontario but indeed all of Canada and more particularly all of the western hemisphere. It's that large a problem, as we all know.

[2:15]

The question, however, Mr. Speaker, was whether or not I brought the item of acid rain to the attention of the conference because of receiving the telegram. I must tell you, Mr. Speaker, and through you to the honourable member, the telegram arrived very early Friday morning. I was pleased to be awakened about 6:30 a.m. to receive the telegram asking me to do what I had done at great length the day before.

**Mr. Peterson:** I would have liked to have been there to tell you in person.

**Mr. B. Newman:** Continuing on the problem of acid rain, can the minister assure us Ontario Hydro will not be contributing to the present problem of acid rain by insisting they do have scrubbers at the renovated or refurbished J. Clark Keith generating station in the city of Windsor, which will be burning coal?

**Hon. Mr. Parrott:** I can't answer that question directly, Mr. Speaker. It's hard to keep my answer short on this occasion because of the profound effect various coal generating stations will have on the acid rain problem. I am sure the member is as aware of the American policy on generating stations and the use of coal as I am. Although we contribute very little from that source here in Ontario relative to the American system, obviously we too must be concerned about our own stations.

I don't have the information on the Windsor station. I suspect it's a very small contributing factor. I have a little more information for instance, on Atikokan. I am sure when that station does become a fact of life and is generating power, considering the close-down of the mine that will accompany that event the total generation of sulphur dioxide to the atmosphere in that area will be much less than it is today.

I want to assure the member that wherever it's at all possible, we will make every effort to reduce the amount of SO<sub>2</sub> generated. However, I think it's always important to put it in context of the global scene. We have a huge problem on our hands and it will require the full support of the American government to control that particular problem.

I come back to the leader of his party's question and the importance to the Adirondacks. If perhaps the people of the Adirondacks area would negotiate very effectively with the people of the midwest, I think it's at that level we will get the most action because it will be people of the US speaking to people of the US. If they do, then I think we will perhaps have some effect on their attitude towards producing sulphur dioxide on a global basis. I really hope the people of upper New York state become very aggressive on this problem and support us, because I don't think there's any doubt that we are more than prepared to take full action on this very important subject.

**Mr. S. Smith:** Don't you know the people in the Adirondacks blame us for it?

## USE OF HERBICIDES AND PESTICIDES

**Mr. Cassidy:** I have a question also for the Minister of the Environment. Is the minister aware that on the weekend, the parents of children at the Hastings public school had to demonstrate to keep 2,4-D from being sprayed at the school? Is the minister aware that parents in the Northumberland-Newcastle school area protesting the spraying of 2,4-D have now collected 20 cases of children who have suffered sickness following



the spray applications? Does the minister think he's doing an acceptable job when parents have to take to the streets to keep their children from being poisoned?

**Mr. Havrot:** What a stupid question.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Parrott:** I think I will really have to ask the leader of the third party to document that a little more. I find that just a little difficult to believe and accept.

I was aware of the question the member asked of the Premier (Mr. Davis) when I was away and I am more than happy if I may, Mr. Speaker, to respond to that question at this time, as well as perhaps filling out some more details of the question asked today.

First of all, I will be pleased to send to the leader of the third party the information that we have from our pesticides advisory committee. I think if he will look at that information rather carefully he will see that in their very best judgement 2,4-D is not a carcinogen. I think that is an important point that must be made.

We have looked at the spraying on that particular site and, although the winds were rather high that day—and there are guidelines to indicate how spraying should be done—unless there is damage, they can't be prosecuted for not adhering to the guidelines. They can be prosecuted if there is evidence of damage because of inappropriate application of 2,4-D. This did not occur. We have had staff visit the site and there is good evidence that the dandelions in the yard are dying, but no evidence at all that any vegetation outside the yard is dying, so there are no grounds on which to base a court action.

**Mr. McClellan:** Your solicitude for the dandelions is touching.

**Hon. Mr. Parrott:** We have subsequently been at the school when spraying did take place, but now we come more particularly to the question as raised today, and the leader says there are 20 sick children because we failed to accept the responsibility. That is a gross misstatement, if I have ever heard one.

I raised this issue in one of the other papers at the recent conference at Kelowna and, without exception, every single province believes that 2,4-D is a product that should be on our markets. No question about it. There wasn't a single province which disagreed. The rules are that it should be applied properly and then it is a safe chemical for our society.

I think it is grossly unfair when the member will stand in this House and try to

inflammate people on chemicals where there is absolutely no foundation in fact. He has to take a bigger responsibility in informing people in this province of ours on the dangers and the benefits of chemicals and the statement he made today is a disgrace to him.

**Mr. Cassidy:** Supplementary: Is the minister, or the minister's advisory committee on pesticides, aware of the fact that both the BC Medical Association and the cancer assessment group of the Environmental Protection Agency in the United States have both concluded that 2,4-D is, in fact, carcinogenic—that is, that it causes cancer?

Is the minister also aware of the article that appeared in the respected journal *Mutation Research* on the toxicology of phenoxy acids other than 2,4,5-T which concludes, on the basis of evidence from 133 studies, that 2,4-D may very well cause both cancer and genetic damage?

Is the minister saying he is rejecting that particular evidence? What medical evaluation has the minister carried out on those school children who have, in fact, suffered health problems because of the spraying of schoolyards in Northumberland county? I will send this over to the minister.

**Hon. Mr. Parrott:** I know this, that if I have to choose between the unscientific advice from my friend, the leader of the third party, and the scientific advice from the pesticides advisory committee, on which particular committee are some of the better scientists of Ontario, let me say, there is not much doubt in my mind whose advice I am going to take. It is going to be that of pesticides advisory committee.

I will be more than pleased to send to the member the full report on 2,4-D, and I could read for the record one small phrase: "Comment: 2,4-D has not been shown to be a carcinogen." The member should take that and try to put some perspective, some logic into his statement. I will let him read the whole thing.

**Mr. Sweeney:** Supplementary: Would the minister be prepared to issue a statement of some type requesting that such spraying not be done while the children are on the school grounds?

**Hon. Mr. Parrott:** I have been asked this question many times. It would be the easiest thing in the world to say, "Yes, I think that is a great idea."

**Mr. Peterson:** Why don't you do it?

**Hon. Mr. Parrott:** But it has one very negative impact. It is very clear that all jurisdictions in Canada believe that 2,4-D, when properly applied, is a useful chemical



for our society. There is no doubt about that; it is unanimous. The important phrase is "when properly applied." We have guidelines to indicate how 2,4-D and other chemicals should be applied—specifically 2,4-D. If I issue a statement today that it should not be used in schoolyards—

**Mr. Sweeney:** When the kids are there.

**Hon. Mr. Parrott:** —when the kids are there, whenever—I take the responsibility away from the local board and the local people and set myself up as taking on that responsibility when it is clearly theirs.

**Ms. Gigantes:** The public health matters.

**Hon. Mr. Parrott:** That in itself would not be so bad. But if one does not allow people to take responsible positions and make responsible decisions, one very soon finds they are not making any responsible decisions at all. I think it is absolutely important that those people who are running the school districts take on that responsibility.

**An hon. member:** Pontius Pilate.

**Hon. Mr. Parrott:** As I said to the member for Beaches-Woodbine not too long ago, it is a great learning experience in our school system.

**Mr. Warner:** Hide behind the school board.

**Hon. Mr. Parrott:** The member for Kitchen-Wilmot is asking me to do something that is clearly within their jurisdiction. It is much more important that people learn to accept the responsibility they are given and act accordingly. That is the issue.

**Mr. Wildman:** Since the minister is so concerned about local autonomy, can he comment on his responsibility in relation to the use of 2,4-D by the Ministry of Natural Resources and the Ministry of Transportation and Communications? Especially since the members of the pesticides advisory committee testifying before the procedural affairs committee last fall, admitted that the studies in the United States and by the National Research Council did raise serious questions about 2,4-D. What about Tordon 101 that is used by the minister's own government?

**Hon. Mr. Parrott:** I keep repeating one basic fact. I raised the issue in Kelowna to make sure there was no doubt about all other provinces in Canada accepting the material. They do. If it is improperly applied, then this ministry is more than prepared to prosecute those who harm vegetation other than their own. That is our responsibility. That is the position of leadership we will take.

Of course, we will take that responsibility; we are paid to. But that is quite a separate

issue. If it is improperly applied, there is no doubt we should look after and prosecute those who have hurt someone else. We are out there to protect the innocent bystander. But we are not out there to interfere with the decision-making process that should occur at the local level.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Parrott:** Those same people are using it by the tens of gallons on their farms. One person said, "We protest it being used in our schoolyards, but please don't use my name because we use so much of it at home." What hypocrisy. I say, stand up and be counted. That is what is important on this issue. If one is going to use it on one's farm, if one is going to use it on one's lawn at home, then so be it and go from there.

Interjections.

**Mr. Speaker:** Order.

**Mr. McGuigan:** Final supplementary: Mr. Speaker, I would ask the Minister of the Environment if he is aware of the great value of this chemical to agriculture. Farmers use it in a very different way from when it is being used in schoolyards in that when they spray it on corn to kill the broadleaf weeds it makes the corn brittle, and therefore they do not cultivate it for a day or two.

[2:30]

Does the minister not realize that when farmers use it they don't go into the fields for several days afterwards, but when it is being used in schoolyards, the children may be playing there within a matter of hours? Therefore, does the minister not think it would be prudent to ban the use of this material for schoolyards because it doesn't play such a great economic role when used there? We really won't suffer much if we have dandelions in our schoolyards.

**Mr. McClellan:** You have to understand their solicitude for dandelions.

**Mr. McGuigan:** Doesn't the minister see the difference between the agricultural use and the use in schoolyards?

**Hon. Mr. Parrott:** Certainly, I see the difference between farm use of 2,4-D and what we would use on our lawns and gardens at home, or what we would use on the schoolyards. There is a great difference; there is no question about that. Surely to goodness the people of that particular school board or any other school board are as aware of that information as is the member and I.

**Mr. Warner:** They are not.

**Hon. Mr. Parrott:** They are using it on their farms and that is the very point I am



making. They are very aware. They use far more of it, likely, than 98 per cent of the members of this House do. They are knowledgeable on it, and it is their decision.

**Mr. Foulds:** But their kids aren't, and the kids go to school.

**Hon. Mr. Parrott:** I happen to choose not to use it on my lawn at home; that's my personal choice.

Interjections.

**Hon. Mr. Parrott:** Fine. I think in this particular instance it's their personal choice whether they use it on their lawns at home or whether they use it on the schoolyards.

**Mr. Wildman:** Why use it on a Ministry of Transportation and Communications right of way then?

**Mr. McClellan:** Are you afraid to use it, Harry?

**Hon. Mr. Parrott:** Obviously, a concerned board would make sure it is applied late Friday or early Saturday so there would be an opportunity for that material to sink into the vegetation, do its job and have no harmful effects on the students when they return to school on Monday morning. That is so obvious that I think it hardly needs to be said by anyone who has that much knowledge of 2,4-D.

**Mr. S. Smith:** If the board is stupid, the kids suffer.

**Hon. Mr. Parrott:** I am sure that kind of logic is more than likely applied by the school boards. If it is not, I think it is awfully important that we realize it is their children they are subjecting to this material; not somebody else's, but their own children.

**An hon. member:** What an abdication of responsibility.

**Hon. Mr. Parrott:** Surely members can accept the point of how important it is for people to understand the seriousness of the decisions they make on their own lives and for their own children. People can't always turn to government and say, "Excuse us from taking a responsible position."

#### ENVIRONMENTAL ASSESSMENT OF HYDRO PROJECTS

**Mr. Cassidy:** I have another question for the Minister of the Environment, Mr. Speaker. The government has assured us on many occasions that all future Hydro projects will be subjected to the full environmental assessment process under the new act. Can the minister comment on Ontario Hydro's brief to the Porter commission this April that the Environmental Protection Act should be amended to restrict the terms of environ-

mental assessments on future Ontario Hydro projects? Which is government policy?

**Hon. Mr. Parrott:** I would like to take that as notice, Mr. Speaker, and consider it. It is a question I would like not to respond to today, but I will take it as notice.

**Mr. Cassidy:** Supplementary, Mr. Speaker: If the minister takes it as notice, what assurance can we have from him that the government policy of full environmental assessment on Hydro projects in the future will be maintained when this minister is not aware of the fact Hydro is trying to backtrack from that policy, and when the government itself has ignored the advice of the chairman of the environmental assessment steering committee who said there should, in fact, be a full assessment on the Darlington nuclear project?

**Hon. Mr. Parrott:** I don't think that is necessarily correct, but because of the full implications I would like to consider it, Mr. Speaker, and take it as notice.

**Mr. J. Reid:** Supplementary, Mr. Speaker.

**Mr. Speaker:** No. The minister has taken it as notice. There will be ample opportunity for supplementaries when we get a response.

#### TRILLIUM SCHOOL

**Mr. Sweeney:** I have a question of the Minister of Education, Mr. Speaker. Can the minister confirm that the Trillium School at Milton for the learning disabled, if it opens in September—the minister might remember it was supposed to open in January—will only have sufficient staff to be able to handle 12 students, even though the need is for 100 or more? Can she also confirm that large numbers of students who are being approved by the local screening committees are being rejected by the provincial screening committee?

**Hon. Miss Stephenson:** Mr. Speaker, the honourable member is incorrect. The Trillium School is designed for 40 students, and it will have 40 students in September. I am not aware that large numbers are being rejected by the provincial screening committee. That is not the information I had.

**Mr. Sweeney:** Can the minister tell us how many applicants are coming through the local screening committees and how many are being passed by the provincial screening committee?

**Hon. Miss Stephenson:** The last figure I heard was that 193 students were proposed as potential candidates for the Trillium School by local school boards. I cannot give the member today an accurate figure of the



number that have been assessed by the committee, but I will find that out.

**Mr. Foulds:** A supplementary question, Mr. Speaker: Can the minister explain to the House today why the school will not be fully operational until September, as she now admits, when she said so categorically last December that the school would open and be fully operational on January 1? Could she explain the delay?

**Mr. McClellan:** Do you remember how adamant you were then? Do you remember how persistent you were? How outraged?

**Hon. Miss Stephenson:** Mr. Speaker, I am interested to hear the adjectives and adverbs used by the members opposite. I have never seen such examples of outrage as their hypocritical facial expressions of outrage on many occasions, related to a number of issues, including education.

However, I did promise the school would be open. I was unable to keep the promise that it would be open on January 1. We have tried diligently to ensure that the school would be operational as rapidly as possible. It is important that the program begin, and that is exactly our objective. It is our intention and our aim, and it will happen, that there will be 40 students within the Trillium program—which will be the maximum for that program—in September of this year.

#### BURNING OF PCBs

**Ms. Bryden:** Mr. Speaker, I did plan to ask this question of the Minister of the Environment but, since he is not here, I will ask it of the Provincial Secretary for Resources Development.

Since the current public inquiry into the burning of PCBs at the St. Lawrence Cement plant in Mississauga was explicitly established at the request of local residents to determine if this method of disposing of these highly toxic substances was both safe and effective in highly populated areas particularly, how can the government justify plans for a test burn of PCB materials at the plant prior to the completion of the inquiry, as is reported in the proceedings of the inquiry for April 26?

**Hon. Mr. Brunelle:** Mr. Speaker, I will be pleased to bring it to the attention of the Minister of the Environment.

#### UNEMPLOYMENT

**Mr. Ramsay:** Mr. Speaker, I understand that the monthly unemployment figures from Statistics Canada were released today, and I

would inquire as to the current status of Ontario for the month of May. I would direct this question to the Treasurer.

**Mr. Martel:** That is too obvious. Did he give you that?

**Mr. Cooke:** Here's a setup.

**Hon. F. S. Miller:** Mr. Speaker, totally surprised as I am by the question and totally unprepared as I am—

**An hon. member:** What a waste of the question period.

**Hon. Mr. Davis:** If the figures had gone the other way, you people would have asked the question.

**Hon. F. S. Miller:** I would only point out that the members opposite never ask good-news questions. The fact that month after month—

**Mr. Speaker:** Would you like to answer it?

**Hon. F. S. Miller:** I'm trying to, Mr. Speaker.

**Mr. Foulds:** The Treasurer is having as much trouble with the easy ones as he has with the hard ones.

**Hon. F. S. Miller:** My friend cannot tell the difference; so I am okay.

**Mr. Foulds:** No, neither can the Treasurer.

**Hon. F. S. Miller:** The fact is that the unemployment rate in Ontario dropped to 6.4 per cent in the month of May. That is down from 7.3 per cent a year ago.

**Mr. Foulds:** Were they all occupied with the federal election?

**Hon. F. S. Miller:** We have 172,000 more employed people in Ontario today than we had a year ago.

(Applause.)

**Mr. Bradley:** The Tories are applauding high unemployment.

**Hon. F. S. Miller:** There are actually 28,000 fewer unemployed people in Ontario now than there were a year ago, and 30,000 fewer than a month ago in Ontario. Quarter after quarter in the last year we've seen a decline in the unemployment figures in Ontario, especially for females and for youths. I want to tell you, Mr. Speaker, that credit for that is due to this government.

**Mr. Ramsay:** Supplementary: How do the unemployment rates in Ontario stand in comparison to other provinces across the country?

**Hon. F. S. Miller:** The Ontario average was 6.4 per cent and the Canadian average was 7.5 per cent.

**Mr. Mancini:** Supplementary: How does the Ontario Treasurer intend to create the



60,000 jobs that Charles Joseph Clark intends to eliminate?

**Hon. F. S. Miller:** Is the honourable gentleman assuming that governments should spend more than they need to? I've heard a great deal from that party over there about efficiency in government, and now that we have a party in Ottawa that is going to show some efficiency, let them not start becoming hypocritical.

**Mr. Laughren:** I have a supplementary of the Treasurer. It's a two- or three-part supplementary, if I might.

In view of the fact that unemployment among young people is still running at a very unacceptable level, as high as 13 or 14 per cent in Ontario, and particularly in view of the high unemployment rate in northern Ontario, will the minister assure us that he will not abandon any kind of program to stimulate jobs in northern Ontario and, in particular, will he promise not to do as his predecessor did—revise upward the definition of acceptable unemployment in Ontario?

**Hon. Miss Stephenson:** His predecessor didn't do that.

**Mr. Laughren:** Yes, he did. Darcy McKeough did.

**Mr. Martel:** McKeough sure did.

**Hon. F. S. Miller:** I lost the last part of the question to some degree. We've taken actions. As the member knows, there is some \$70 million in this year's budget specifically aimed at youth employment programs—the Ontario Youth Employment Program and the Ontario Career Action Program and so on. These are having, I believe, phenomenal success and we're going to do all we can to maintain that success.

#### RAPE CRISIS CENTRES

**Mr. Mancini:** Mr. Speaker, my question is to the Provincial Secretary for Justice. In view of the fact that the Ontario Coalition of Rape Crisis Centres submitted a brief and met with him on April 26 and on May 10, 1979, informing him of its need for long-term funding to assist rape victims, why is it that he and his cabinet colleagues have refused this request for long-term funding?

**Hon. Mr. Welch:** Mr. Speaker, I'm delighted the honourable member has raised this question. It provides me with an opportunity to pay tribute to the Ontario Coalition of Rape Crisis Centres and to many who work with it on the consultation that finally resulted in the publication of the booklets, copies of which have been sent to all members. I'm in

the process, as the member has mentioned, of having meetings with the Ontario coalition and, indeed, some of the groups from throughout the province. In fact, yesterday I met with a very important group from the Niagara area which is doing a remarkable job of responding to these needs.

[2:45]

The secretariat has made it quite clear that it is anxious to be helpful by way of followup. We are certainly making it quite clear that although their requests are for ongoing support we would prefer to deal with them on the basis of some short-term assistance that would help them to establish themselves within their respective communities and really seek community support as far as ongoing and long-term obligations are concerned. I'm looking forward to some further meetings with the Ontario coalition in an attempt to be helpful and provide them with some short-term—as I mention once again—approach that would indeed help them to get established within the particular communities in which they operate.

I point out to the honourable member, as I point out to other members of the House, this particular crisis and a number of crises are the concerns of very highly motivated people, and indeed I have suggested they may want to consider at the community level some co-ordination with respect to the use of telephone numbers. Indeed, some of the volunteers are available throughout the province in various communities for this particular approach. I'm of the opinion negotiations are still going on with the Ontario coalition.

**Mr. Mancini:** Supplementary: In view of the fact the Ontario coalition states in a letter, and I quote, that it has decided "your offer to fund short-term work projects would not only waste the time of the coalition and not meet the needs that are in our communities," why is it the minister spends taxpayers' dollars to print these books in double colours, et cetera, and then does not have enough money to assist the victims themselves? Does he expect the coalition centres just to give out handbooks to the victims when they go to these centres? Why is it he encourages the victims themselves to use the coalition centres and also encourages hospitals and police departments to use their services when he's not prepared to fund it? There is a big contradiction there.

**Mr. S. Smith:** That's right. Give the money to Gordon Walker for so-called victims of crime, but these are the real victims.

**Mr. Speaker:** The question has been asked.



**Hon. Mr. Welch:** Mr. Speaker, I hope I'm being fair. The honourable member is not trying to suggest the booklet isn't helpful and isn't positive.

**Mr. S. Smith:** It's a great tribute to the printer, but give some money to the crisis centre.

**Hon. Mr. Norton:** Don't be such a hypocrite, Stuart. It wasn't long ago when you were shouting about social spending.

**Hon. Mr. Welch:** The booklet is the result of the efforts of a lot of people including the coalition. Indeed, in many communities throughout the province the work of the centres is being conducted by volunteers and the community itself is supporting a particular effort. Indeed, there are many of these people who, perhaps if they had their choice, would rather have full-time staff and pay the salaries of full-time staff. We think there may be some advantage in emphasizing the role of the volunteer. I would rather carry on my discussions with the coalition in the hope we might reach some reasonable understanding and agreement.

**Mr. S. Smith:** They are the victims of terrible crime and you give them books.

**Hon. Mr. Norton:** How do we do that and follow your advice not to increase social spending a cent?

**Mr. S. Smith:** I never made that statement.

#### USE OF MATACIL

**Mr. Foulds:** I have a question of the Minister of Natural Resources with regard to the spraying of Matacil. Can the minister confirm whether or not at 4 a.m. today they started spraying with Matacil in the Geraldton district? Can he outline for the House the justification for that spraying program in view of the question I asked his colleague, the Minister of the Environment (Mr. Parrott), last week? Can he tell us whether or not any fishermen, campers or outdoorsmen in the area were warned the spraying was about to begin?

**Hon. Mr. Auld:** I had notice of the question the honourable member asked the Minister of the Environment last week and I have information on that today. I think the honourable member was equating the type of Matacil spraying done by the Ministry of Natural Resources with the methods used in New Brunswick. I just wanted to tell him the methods are quite different.

We use small aircraft which are used for agricultural spraying. We stay very close to the top of the forest and we have had great success—we figure about 80 per cent—in

dealing with the spruce budworm. Of course, we're using this in much smaller acreages. I think we estimate something on the order of 40,000 acres in Ontario compared with about four million acres in New Brunswick. Those small planes are far easier to control. They fly more slowly and they do have much better control of spray deposit and drift.

As far as the environmental and public health risks are concerned, both solvents, which in our case are nonylphenol and a carrier which is called diluent 585, were investigated by Environment Canada, the Department of National Health and Welfare and the federal Department of Agriculture in 1978-79. In addition, environmental monitoring of Matacil spray programs for several years has demonstrated that the effects of Matacil on other organisms are minimal. We do not use diesel oil as a diluent.

The statement that Matacil was withdrawn in the United States by the Environmental Protection Agency in 1970 is misleading. Actually, I understand it was withdrawn at the manufacturers' request since it was being marketed for use in the spraying of cotton, I believe, and it was found that people just were not buying it because there were other products that worked better on cotton. However, I understand it is again being developed in the United States. It was used last year under an experimental permit from the EPA and will be used that way again this year.

The spray programs being conducted in Geraldton and Kirkland Lake have been reviewed and approved by the Ministry of the Environment. We are using Matacil over most of the area but not within 600 feet of any permanent water body. There we are using a bacterial insecticide, Thuricide, which is totally safe for other organisms. It is being used along all the major water courses in an area of approximately 10,000 acres. I may say it is not used exclusively because it is not as effective and it is about four times as expensive, but it is considered to be better near the water courses where fish might be affected in some way.

Finally, the environmental impact of the spraying is being monitored by an independent consultant so that we will have someone else looking over our shoulder in this operation.

**Mr. Speaker:** In keeping with our understanding that lengthy answers like that should be made by way of ministerial statements, we will add three more minutes to the question period.

**Mr. Foulds:** A supplementary question, Mr. Speaker: If it is so safe, why is it not being sprayed all over the place? Obviously the



minister does have some reservations about it. Further, is the minister not aware that it is nonylphenol, which he admits we are using, that is the cause for concern in connection with Reyes syndrome and has caused such controversy in New Brunswick and Quebec? Even though it is being sprayed over a smaller area, has the ministry warned any of the trappers, hunters and fishermen who may be in the area that it is spraying? Will the minister table the federal and provincial evaluations which he says have taken place?

**Hon. Mr. Auld:** Mr. Speaker, I am sure it wouldn't be difficult to obtain the evaluations, and I will get them. The Ministry of the Environment may well have them. My understanding is that we have indicated where the spraying is taking place in the area and when.

#### SUNDAY TRUCKING

**Mr. G. E. Smith:** Mr. Speaker, I have a question for the Solicitor General. Is the minister aware of the increased Sunday truck traffic carrying what I would consider non-perishable produce on highways 401 and 400? If so, what can be done to curtail this type of operation, which is contrary to the Lord's Day (Ontario) Act and which almost disappeared after the tragic Sunday accident south of Barrie a few years ago?

**Hon. Mr. McMurtry:** Mr. Speaker, the Minister of Transportation and Communications (Mr. Snow) has just advised me that some of these vehicles may have a federal government exemption. In any event, in view of the question that has been raised by the member for Simcoe East, I shall be happy to discuss it with the senior officials in the Ontario Provincial Police.

**Mr. G. E. Smith:** In view of the fact the minister did indicate that he hoped to add to his complement of OPP officers to enforce the Highway Traffic Act—and one would hope this would alleviate some of the abuse—could the minister indicate the ratio of the increased number of miles driven on provincial highways with the increased number over the past 10 years of OPP complement, or has a study of this nature been made?

**Hon. Mr. McMurtry:** Mr. Speaker, I don't have all of the details, but I can advise the honourable member and members of the Legislature that during the past three years, or I should say more properly, from 1975 to 1978, according to information received from the Ministry of Transportation and Communications the motor vehicle miles travelled

on the provincial highways increased by some three billion miles.

From the information I have to date it would appear, at least as far as the OPP miles travelled on the highways are concerned, that there was no increase whatsoever, but actually a decrease of some 10 million miles. This causes me some concern and it is certainly a matter we are reviewing very carefully because, as I have said in the past, and I repeat, the visibility of police officers on our highways is, in the view of our senior police advisers, a deterrent in relation to avoidance or disregard of the rules of the road and does have an impact on the number of accidents.

**Mr. Nixon:** Does the Attorney General recall the statement made by a colleague, the Minister of Transportation and Communications, when he announced the regrettable statistics that brought on this flurry of additional action—a statement that indicated it was not attributable to speed or lack of policing of the speed limit, that in fact the additional money the Attorney General is expecting to spend on more police officers boils down simply to a revenue-producing operation that some of us know to our regret?

**Hon. Mr. McMurtry:** I have no recollection of any such statement having been made by the Minister of Transportation and Communications. He indicated to me a moment ago that he has no recollection of making any such statement.

**Mr. S. Smith:** He's not denying it.

**Hon. Mr. McMurtry:** Within the last several days I have met with a number of senior police officers experienced in traffic matters and they are very strongly of the view that the visibility is important. As I indicated, and again I realize the Leader of the Opposition has difficulty taking this matter seriously—

**Mr. S. Smith:** I have difficulty taking you seriously.

**Mr. Breithaupt:** You don't even drive a car.

**An hon. member:** Same old arrogant AG.

**Hon. Mr. McMurtry:**—some of the figures we had obtained in relation to the increase in motor vehicle use on the highway and actually a decrease in the miles travelled by police vehicles, in the view of senior police officials, directly relate to the increase in accidents.

**Mr. S. Smith:** How come Jim Snow doesn't know that?

**Mr. Speaker:** Just ignore the interjections.

**Hon. Mr. McMurtry:** Yes, I will, thank you, Mr. Speaker.



So this is a matter we are looking at. Obviously it is a case which will have to be established, I am sure, to the satisfaction of my colleagues before there will be any substantial increase in police resources.

There is no question but that with a very significant increase in the mileage travelled on the provincial highways, we are going to continue to have dramatic increases, I fear, if there is not increased police visibility. Whether the members opposite want to recognize it or not, it certainly is the view of police officials about this province that the matter of police visibility is a very important factor with respect to deterring disobedience of the rules of the road.

I would have thought that would have been reasonably clear to the members opposite, but if they really are interested in this issue, and I must admit I have some doubt in my own mind as to whether they are interested, I will be happy to provide them with additional information as it becomes available.

[3:00]

#### RAPE CASE

Hon. Mr. McMurtry: On May 28, the member for Hamilton East (Mr. Mackenzie) asked me about a rape case in Hamilton wherein certain members of a motorcycle gang are charged with numerous offences, including that of rape. This matter has been reviewed with the crown attorney in Hamilton and by senior officials of my ministry. I also have had an opportunity of reviewing the allegations and circumstances surrounding the case and an alleged bombing attempt. The Hamilton-Wentworth regional police are well aware of the situation and the crown witnesses who are to testify in this case have been given special police protection.

As I indicated earlier, it is obviously not in the interests of this protection to deal specifically with the steps that have been taken to protect the witnesses in question. I can say, however, that I have reviewed the police efforts and am satisfied that every reasonable effort has been made by the police in this regard.

As I indicated, the status of the case has been reviewed with the crown attorney and members of his staff in Hamilton. I can advise that the crown attorney's office will do its utmost to ensure the preliminary hearing at the end of this month proceeds and is concluded on schedule so that a trial date very early in the fall is possible. I will personally be monitoring this case to ensure there is no delay in this regard.

With respect to the member for Hamilton East's general question about instructions to police forces with respect to motorcycle gangs, I can advise that although it is quite apparent certain members of certain motorcycle gangs do act in concert in pursuing unlawful ends, every effort has been made by law enforcement personnel to control such groups.

During 1978, a total of 440 criminal charges were laid against 370 members of certain motorcycle gangs in Ontario. That number of charges has already been laid this year, indicating even stronger efforts are being made by the law enforcement authorities across this province.

Mr. Mackenzie: Supplementary: As the minister may recall, in placing the question I asked him about the spread of the use of bombing as a means of intimidation. It appeared to start on a large scale in New York state some 10 years ago and local police authorities tell me it has moved into Ontario. I asked the minister if he had looked into that aspect as well and if he had looked into the aspect of the transportation of drugs by some of the motorcycle gangs?

Hon. Mr. McMurtry: Yes, these activities are being very carefully monitored by police forces across the province. In so far as the use of dynamite as an intimidating tactic is concerned, unfortunately this type of vicious criminal behaviour has been resorted to from time to time by the criminal elements in Ontario. But from the information I have obtained there has been no significant increase in the use of dynamite in this respect.

In so far as drugs are concerned, yes, the police officials are well aware that certain motorcycle gangs have for some time been involved in international drug traffic. Again this is something that is being carefully scrutinized and is a matter of continuing concern to the law enforcement agencies in this province.

#### LOTTERY LICENCES

Mr. Cunningham: I have a question of the Attorney General. I'd like to ask if the Attorney General was aware when his ministry expressed a negative opinion regarding the purpose for which a Burlington community group had held a lottery that this group was currently involved in a hearing before the OMB, and therefore any damaging remarks by his ministry could very likely be used against this group by their opponents later in the hearing? I'd like to ask was the minister aware there was a hearing



before the OMB when they decided in favour of a developer's lawyer, who was also their opponent in the case?

**Hon. Mr. McMurtry:** I'm sorry, I'm not aware of this matter at all.

**Mr. Cunningham:** By way of supplementary: Recognizing that 20 per cent of all the lottery licences granted in the province are given for the purpose of benefiting a community, would the minister not realize that in openly expressing an opinion one way or the other he could be closing the door to further attempts by all community groups in Ontario to raise funds in support of various endeavours that may have to be financed, especially when going before the OMB or the Environmental Assessment Board?

**Hon. Mr. McMurtry:** If the member opposite would like to provide me with specific details of this particular service club or local charitable organization I will be happy to look into it, but if it's something that I was aware of earlier, I must admit I don't have any recollection of it at the present time.

**Mr. S. Smith:** Supplementary: Inasmuch as a group of concerned citizens opposing the advent of a McDonald's franchise in a residential area in Burlington was given a municipal licence by the city of Burlington to conduct a lottery to raise funds to conduct this defence and this intervention in front of the OMB, and to the extent that the lawyer for McDonald's told the lotteries branch about it, and to the extent that his ministry then advised that this was not a charitable purpose, would the minister please review that decision and recognize what a terrible precedent that might be for other citizens' groups across Ontario?

**Hon. Mr. McMurtry:** I will review the matter, Mr. Speaker.

#### LANDFILL SITES

**Mr. R. F. Johnston:** A question of the Minister of the Environment: Would the minister confirm that his staff is preparing a list of landfill sites in Ontario which are currently accepting industrial waste; will he confirm that that list includes a number of sites which the ministry has not previously told us about; and when does he plan to present this list to us?

**Hon. Mr. Parrott:** Yes, Mr. Speaker, we are preparing that list. Quite frankly, I had really hoped it would be here by now. Whether or not it will provide information that members haven't previously had, that is very difficult to say right now. We are

more than prepared, however, to give the full list of all of the sites that we are aware of.

We are hopeful that if members, or any members of their communities, are aware of other sites that were maybe open 20, 30, 40 years ago and long closed, which we would have no record of and no reason to have a record of, they will tell us that as they compare our list with what they know. That's an open invitation to not only the members but all of the municipalities of Ontario.

**Mr. R. F. Johnston:** Supplementary: Could the minister table with the Legislature statistics on where all the industrial waste covered by the waybill system has been disposed of since that system came into operation at the beginning of this year?

**Hon. Mr. Parrott:** Would the member repeat the operative phrase, please?

**Mr. R. F. Johnston:** The statistics on where the industrial waste covered by the waybill system has gone since the system was introduced at the beginning of this year; would the minister table that with us?

**Hon. Mr. Parrott:** We brought in the waybill system, and I still—I am sorry, Mr. Speaker—haven't heard whether the question is whether we will table the information that those waybills are provided us with. Yes? That will take a great deal of time. There are literally hundreds of thousands of transactions and up to 50 million gallons per year that that system will accommodate and account for, so the member can appreciate that isn't something we can gather quickly.

It is not a fully automated system as yet. We are going to a fully automated system and when we have it fully automated that kind of information will be much more readily available. We don't have it automated yet. We will supply as much information as we possibly can.

#### REPORTS

##### SELECT COMMITTEE ON COMPANY LAW

Mr. Breithaupt presented a report from the select committee on company law.

**Mr. Breithaupt:** Mr. Speaker, this is the third report on the general insurance industry in Ontario. During our hearings, 139 persons gave evidence and information to the committee and there were 127 exhibits. The committee makes 145 recommendations in its review of the role and responsibilities of property and casualty insurance companies in



Ontario. The report reviews the role and responsibilities of companies and all agents, adjusters, brokers and consultants. The operation of the superintendent of insurance's office is also reviewed and observations were made on the capacity to underwrite risks and on the availability of coverage and cost of personal lines of insurance.

In the interests of the consumer, the committee reported on plain language policy, on changes in the standard policy and in the application forms, and on a consumer information service. A particular area of interest was that of the qualifications and competence of company employees, agents, brokers and adjusters.

Finally, suggestions for loss prevention were made, as well as comments and recommendations on arbitration procedures, liability insurance and surety bonds. Copies of this report have been placed in the mail boxes of the members, and additionally have been sent to the press gallery and other interested persons.

#### STANDING PROCEDURAL AFFAIRS COMMITTEE

Mr. Breaugh presented a report from the standing procedural affairs committee.

Mr. Breaugh: This report is the first of a series of reports in our considerations about the committee system here at Queen's Park. It is presented for the information and consideration of committees, and we will subsequently be reporting in a more formal way.

#### MOTIONS

##### CITY OF OTTAWA BILL

Hon. Mr. Welch moved that Bill Pr9, An Act respecting the City of Ottawa, be withdrawn from the standing administration of justice committee and be referred to the standing general government committee for consideration following the completion of Bill 163.

Mr. Roy: I would just like to thank the House leader for this motion. I think it is of some importance because one of the items in Bill Pr9 is the bylaw requiring the filling of pits and quarries in the Ottawa area. Since we have already had one accident in that area, we are anxious to get on with this bill to give the city of Ottawa authorization to fill, or to obligate the owner to fill, the quarry. I would appreciate it if we can expedite this bill and have it heard before the end of this spring session.

Motion agreed to.

#### STANDING RESOURCES DEVELOPMENT COMMITTEE

Hon. Mr. Welch moved that the standing resources development committee be authorized to sit the afternoon of Wednesday, June 13, in addition to the regular sittings.

Motion agreed to.

#### STANDING SOCIAL DEVELOPMENT COMMITTEE

Hon. Mr. Welch moved that the standing social development committee be authorized to travel to Sudbury, Thunder Bay, Ottawa and Windsor on Wednesday, June 13, for the purpose of holding hearings on the active-treatment hospital bed closings, and that provisions of section 66 of the Legislative Assembly Act be not applicable.

Mr. Speaker: That means you don't get paid.

Motion agreed to.

#### INTRODUCTION OF BILLS

##### ONTARIO WATER RESOURCES AMENDMENT ACT

Mr. Germa moved first reading of Bill 125, An Act to amend the Ontario Water Resources Act.

Motion agreed to.

[3:15]

Mr. Germa: Mr. Speaker, the purpose of the bill is to prohibit mining activities in bodies of water that serve or are likely to serve as sources of community drinking water. The bill provides for the issuance of permits to authorize any mining activity that is in the public interest. Mining activity undertaken without the authority of a licence is constituted as an offence.

#### EMPLOYMENT STANDARDS AMENDMENT ACT

Mr. Charlton moved first reading of Bill 126, An Act to amend the Employment Standards Act, 1974.

Motion agreed to.

Mr. Charlton: Mr. Speaker, the purpose of this bill is to extend to persons who are employed as domestic servants the minimum standards of employment established by parts IV, V, VI, VII and VIII of the Employment Standards Act, 1974. This will give domestic servants the minimum coverage for hours of work, overtime, minimum wage, public holidays and vacations.



In addition, the bill amends section 40 of the act so that no employer shall terminate the employment of an employee who has been employed for three months or more with less than two weeks' notice.

#### CITY OF HAMILTON ACT

Mr. Mackenzie moved first reading of Bill Pr8, An Act respecting the City of Hamilton.

Motion agreed to.

#### NOTICE OF DISSATISFACTION

Mr. Speaker: Before the orders of the day, I want to advise honourable members that pursuant to standing order 28 the member for Downsview (Mr. di Santo) has given notice of his dissatisfaction with the answer given by the Minister of Industry and Tourism (Mr. Grossman) to his question concerning the auto pact, and this matter will be debated at 10:30 tonight.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 200, 201, 207, 208, 209, 210 and 211 standing on the Notice Paper. (See appendix, page 2833.)

#### ORDERS OF THE DAY

##### MINING TAX AMENDMENT ACT (concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 52, An Act to amend the Mining Tax Act, 1972.

Mr. Germa: Mr. Speaker, when last we were debating this bill it was May 1. Let me just remind the minister and the House of the position of this party as it relates to Bill 52, the Mining Tax Amendment Act. This party is unequivocally opposed to the reduction in the marginal rates of 35 per cent and 40 per cent as they relate to the application of this mining tax. It is a basic principle, adopted right across the country, that the province has a right to participate in the wealth produced by the exploitation of our natural resources. We are motivated by that principle.

There are several other reasons why we are opposed to this amendment to the Mining Tax Act, and I want to get into them, but let me first make another complaint about the whole application of the Mining Tax Act which has been raised in this House time after time; that is, the minister who is re-

sponsible for the collection of this tax. This is an out-and-out tax bill which rightly should belong with the Minister of Revenue (Mr. Maeck). Here, in fact, we have a conflict of interest in that the Minister of Natural Resources (Mr. Auld) is the tax collector and he controls the mine assessors, who have a great impact on calculating what figures will be subject to tax.

The government has never been able to explain why this one tax bill, instead of being with the Ministry of Revenue like all the other tax bills, is with the Ministry of Natural Resources. No answer is forthcoming, so I make that complaint again.

We have arrived at the conclusion that we are opposed to this bill without the aid of an economic impact analysis being made or provided to the House. It is stated government policy that every piece of legislation will be accompanied by a statement of the economic impact it will have on the province, on our revenues and on taxation. The bill has come into the House without any information being provided by the minister. Consequently, we are at a loss to understand properly the entire impact of the legislation. Even in applying the tax, I know the government has difficulty in arriving at conclusions and figures. There is a lot of jiggery-pokery, a lot of estimates, to come to a figure for applying the tax rate even as it is.

The government has not got a fair reason, or else it has not presented evidence of its reasons, for the reduction of the mining tax. I would suggest they don't have a strong case to make; consequently they make no case at all. I have to accuse the minister of not taking into consideration the people of Ontario when he arbitrarily says 35 per cent tax rate is gone or 40 per cent tax rate is gone for the big corporations, and doesn't tell us what the impact is on the people of Ontario.

It is a very serious matter when the government is denying revenue to Ontario as a result of the exploitation of wealth, especially at this time when in every ministry—for medical services, education, social services—the government is strapped for money and is curtailing programs. Teachers are being laid off and there is a lot of havoc in the province; yet here is a source of revenue readily available and identifiable and the government is choosing not to collect it, the government is choosing to make the people of Ontario do without.

Another good and solid reason I have for arriving at my position is that I have a barometer that I use very steadily and which has served me very well over the years. If



the Sudbury and District Chamber of Commerce takes a certain position, I know if I take the opposite position I am on the right track. It has never failed me in my 20 years.

**Mr. Nixon:** And if the Steelworkers take a position, that's your position too.

**Mr. Germa:** No; my position is that when the chamber of commerce in Sudbury takes a position—

**Mr. Nixon:** They're the perfect union. When Cliff Pilkey coughs, you get pneumonia.

**Mr. Germa:** When they take a position and there is no countervailing evidence—as I stated the government didn't present any countervailing evidence—I know pretty well, and it has served me well for over 20 years, that if my position is opposite to theirs I am on good, solid ground. That is the second reason this party and I are opposed to the resolution.

The evidence the chamber of commerce presented me with is contained in the following quotation from their newsletter of recent date, titled Update: "A letter from the Sudbury and District Chamber of Commerce was sent recently to the Treasurer of Ontario, the Hon. Frank Miller, in response to the recent budget statement. The chamber applauded the minister's move to reduce the top marginal tax rate from 40 per cent to 30 per cent." So they are on record.

By the way, members should know that one of the biggest mining corporations in the world is resident in the city of Sudbury and it pays most of the bills for the chamber of commerce, because the assessment to belong to the chamber is based on the number of employees, the amount of revenue, consequently the chamber of commerce turns out to be just the mouth, the walkie-talkie for the International Nickel Company; which by the way is going to be one of the greatest benefactors if this bill was to pass in the Legislature.

**Mr. Wildman:** The chamber of Inco.

**Mr. Germa:** The chamber of Inco; yes.

So there's a second good reason I know I'm on solid ground opposing this bill.

The third reason is when I make a comparative analysis of what is going on in other jurisdictions. Ontario is not the only province, the only state collecting mining taxes or mining royalties. It's a fundamental principle right across the country and around the world that provinces have this right. This province is neglecting its right to gain revenue for the people of Ontario from the natural resources which are exploited.

Let's take a look at one province in comparison to the province of Ontario and see what the results were in the last fiscal year. In the 1977-78 period, Saskatchewan's production of mineral wealth—

**Hon. Mr. Auld:** Gas and oil?

**Mr. Germa:** Excluding gas and oil was \$511 million, which was less than 20 per cent of Ontario's \$2.7 billion. Here is one province with \$511 million, and Ontario with \$2.7 billion.

The province of Saskatchewan collected, in taxes and royalties for the people of Saskatchewan, \$113,600,000, whereas the province of Ontario collected \$39 million. The rate of return to the people of Saskatchewan from their natural resource exploitation was 15 times greater than the rate of return to the people of Ontario. That is justifiable reason for me to stand here and object to the government of Ontario giving further benefits, further gifts to the large mining companies.

This government says that kind of taxation is going to drive the mining industry out of the province of Saskatchewan and it will consequently be to our benefit.

**Mr. Makarchuk:** They will take the ore on their backs and walk out.

**Mr. Germa:** That's a reasonable proposal to make if there was any validity to the proposal; but let's make a comparative analysis of what has happened as far as investment is concerned between Saskatchewan and Ontario.

The estimated amount of development in Saskatchewan for the next fiscal year is \$80 million, whereas Ontario's estimate of development in mining is only \$25 million. Despite a rate of return 15 times greater than that of Ontario, Saskatchewan is getting three times more development dollars than we are in the province of Ontario.

**Mr. Swart:** They have good government.

**Mr. Germa:** I have to conclude that a tax rate does not necessarily drive development out of the province, providing the tax rate is levied equitably; and that is one of the weaknesses in the method of taxation in the province of Ontario.

I think it would be good if we were to know how Saskatchewan has been so successful in extracting large revenues from the mining companies at the same time as encouraging them to invest, and reinvest, and develop the province.

[3:30]

A statement by the Saskatchewan Minister of Mineral Resources on May 8, 1978, in Regina, cited the principles involved in applying their tax system, which is considerably



different than the system used in Ontario. In Saskatchewan they use a system known as a rate of return, whereas the Ontario system, I think, could be identified as a flat-rated system. In other words, it is not as progressive and does not take into consideration the ability to pay to the same finite degree the system in Saskatchewan will do. I think all anybody demands of taxation is that it be applied equitably and that ability to pay be taken into consideration, be it an individual or be it a corporation. What I'm saying is you have to be fair when you're taxing people.

I will enunciate, from the minister's statement of May 8, 1978, in Regina the five guiding principles which go into the makeup of the structure of the Saskatchewan system.

The minister said the first principle is: "We feel the province should obtain at least a minimum return for the exploitation of its natural resources." There is no one in this House who will deny that is a good starting point; the people in the province wherein the resource is located have a right to demand a fair share of the return.

The second principle is: "The producer should retain sufficient revenues to cover his operating expenses and to provide a fair return on his capital investment relative to the risks involved, but it is our view that the major portion of the remaining net income should accrue to the owners of the resources." The owners of the resources are the people of Ontario. Once a fair rate of return has been provided to the mining company the rest, regardless of how large it is, belongs to the owner, the people of Ontario. That is the second guiding principle. I'm sure no one here will deny that principle. It's unanimous, Mr. Speaker.

The third principle the government of Saskatchewan applied is: "The government recognizes the structure of this system should reflect the particular economic characteristics of each mineral industry." The graduated form of the taxation is such that it takes that proviso into consideration.

The fourth major consideration is: "The royalty and tax system should be consistent with the province's policies for developing that particular resource." The tax system also gives an incentive to the mining companies to follow the route the government, in its wisdom or lack of, chooses to go.

The fifth principle is: "The endeavour to discuss any new tax or royalty structure with industry before reaching a decision." This government is very weak in that department in that they don't forewarn or give notice of their intent to change any tax system, or anything in fact. It's the old arrogance of this

government which has been too long in office. The minister did not even see fit to supply this House with an economic impact analysis. If they're treating everybody outside the House the way they're treating us in this House, no wonder those people get into trouble so often.

Those are the guiding principles Saskatchewan uses. I'd like to just put on the record a few of the details of how the Saskatchewan rate of return system works.

The system is not unique to Saskatchewan. There are other corners of the world that also use it. South Africa has a related, though dissimilar, system. New Guinea has a rate-of-return system, Manitoba has a rate-of-return system. We have to recognize there are various differences between all of these systems, but the basic principle underlying the tax system in those four jurisdictions is consistent with the principles which I took from the speech of the Minister of Mineral Resources for Saskatchewan.

The system in that province tells me that royalties are levied on the mine in two forms; a basic royalty which represent three per cent of the gross value of sales each year, and the second portion of the tax system is the graduated royalty on operating profits payable each year and determined by the following method:

If the rate of return on the profit invested is less than 15 per cent there is no tax applicable, so the first 15 per cent of profit on invested capital is free. Between 15 and 25 per cent, 15 per cent is charged on the profit. If the rate of return is between 25 and 45 per cent, there is a 30 per cent tax assessment. If the rate of return is 45 per cent and above, then a 50 per cent tax applies at that rate. I would suggest to the minister that that is where the revenue is derived.

A person who is making 45 per cent or more on his invested capital has no right to keep that kind of profit. The profits are exorbitant and the tax system will trigger in to ensure that the people of the province concerned will share from that largesse.

This form of taxation also has a secondary beneficial effect. It has a good economic effect, but I think it would address itself to what the problem in the province of Ontario is now, and that is flight of capital. Capital generated in the province of Ontario is not being reinvested by the mining companies. They're galloping off with it. The minister knows where the International Nickel Company has taken money from the Sudbury basin and dumped \$250 million down into New Caledonia. They've taken



another \$100 million and dumped it down into Guatemala.

Under a tax system as I recited, a rate-of-return system, there is incentive for the mining companies to reinvest, because the re-investment would have the effect of reducing their tax load. But the more the mining companies can let their plant run down under the present system the higher is the rate of return, and that is their incentive. I suggest that we have to deal, one way or the other, with mining companies generating great pools of wealth in the province of Ontario and removing that wealth to some other jurisdiction to the loss of all of us in the province of Ontario.

Some people say that would be too much of an incentive and that the mining companies would over-capitalize. I don't see any real entrepreneur trying to invest money in a plant that he doesn't need. I would say that their argument is fallacious.

That's my position on this bill. I hope the minister is listening. I hope he does respond and maybe deal with some of the suggestions I've made, and tell me why I'm wrong and why we don't demand our fair share of the wealth produced from the mining industry in the province of Ontario.

**Mr. Nixon:** We don't have many mines in my constituency, but I do have an opinion on the matter before us today. I've been listening to the member for Sudbury with a great deal of attention and I would think it would concern him, as it does me, that we have not had a major mining enterprise open up in this province for many years. It is probably an oversimplification to say so, but frankly I believe this is largely because the former Treasurer, John White, in changing the Mining Tax Act about seven years ago made a substantial bollix of those changes. He somehow got the confidence of the Premier (Mr. Davis) and went forward with a number of programs, many of which we are still trying to repair. I don't want to refer to them in detail, but the purchase of large-scale land holdings for new cities is just the beginning of it.

I well recall his changes in the Mining Tax Act at that time; which really must have paralleled to a great degree the thinking of the honourable member for Sudbury who has just spoken: "Let's soak it out of them; they are our resources, let's get the money." Somehow or other, in the mining industry this doesn't work. The mines are not developed by the membership of the Steelworkers or the mine workers or CUPE or anybody else. They may do the work, but unless there

is some entrepreneur and investor to actually invest the money and take the risk it doesn't happen and there are no jobs for those people; there are no revenues for the government of the province for us to suggest how they spend or not spend.

I would suggest if Saskatchewan finds itself in such an advantageous position at this time it is because of that great Premier, Ross Thatcher, one of the greatest Liberals of them all, who in his approach to a situation such as this didn't listen to this kind of soft-headed socialist argument.

**Mr. Swart:** He got defeated.

**Mr. Nixon:** All right, he got defeated; and the socialists out there now are reaping the benefits of his foresight. If they continue to tax as they are, I will tell the member opposite, those benefits will soon disappear.

We had a socialist Treasurer here, John White, who is no longer a member. He is teaching economics or something like that, and I am sure he is contributing to the community in his own way, not the least by paying income tax. That is fine. If he were here I know he could defend himself in no uncertain terms. As a matter of fact it is a bit of a pleasure to argue against him when he is not here, but I thought at the time, and certainly I believe now, his changes in the Mining Tax Act were disastrous. They, as much as anything else, simply drew a line to further mining development here.

I have listened to what the honourable member for Sudbury has said. As I look on page 18 of the budget paper, table C-2, it says mining tax revenues are going to go from \$41 million this year to an estimated \$50 million next year. Maybe they should go to \$150 million, but they are going up. I don't see that as a dramatic giveaway, although maybe there will be.

I have always felt, and I am not in a position to speak for the party but I am certainly speaking as a Liberal in this connection, that this is one area where giving incentives to the entrepreneur means almost everything.

The NDP would like the government to take over the resources. They would like the government to take over the responsibility for prospecting and finding the resources; they would like the government to take over the financial responsibility for developing them; and of course it goes with it, to reap all the profits associated. But wherever that has been tried it has been largely an uneconomic fiasco. We are a free enterprise province and I am very glad of that. I would dread the day when the NDP nationalizing



or provincializing policies would become the policy of the government, and I will do everything I can to stop it.

I really believe that in this area you have got to encourage the entrepreneurs. If the NDP thinks it is an undue encouragement to raise their taxes, as I have indicated from \$41 million to \$50 million, I find that unreasonable. We are going to support the tax; and my colleague has already indicated that in the first half of this debate which took place some weeks ago.

[3:45]

There is one other matter in connection with the principle of the bill that I want to bring to your attention, Mr. Speaker. On page 2410 of Hansard dated May 31, 1979, the following information is included in the answer to a question. This has to do with public opinion polls, and it says the Ministry of Natural Resources commissioned a public opinion poll of the Canadian Gallup Poll Limited, costing \$19,525, on the following:

"Public Awareness Study of the Mining Industry in Ontario.

"To determine the awareness of, and attitudes towards, the development of Ontario's mineral resources and towards the direction and nature of government programs which affect that development."

I would suggest that this is another instance where the results of a poll would be extremely valuable and useful if made available to all members of the House.

The Premier's reasons for not making the results of these polls available simply do not hold water when we come to specific areas. The view from the socialists has already been expressed as to how these resources should be taxed and managed. I have expressed a personal view which is not too far away from the view expressed previously by our official critic, who is now on his honeymoon in the Emerald Isle.

It would be extremely valuable if we were to know what that \$20,000 poll told the minister and the people sitting under the gallery who have assisted him in establishing policy and drawing this legislation. Do the people think we should be taxing these resources more? Do the people think, as investors themselves, that they would like a chance to keep a few more bucks? Do they think, as free enterprisers might, that as entrepreneurs or prospective entrepreneurs they would like to do something to profit by this themselves as well as have an opportunity in new mines to have a good-paying job in the north?

I say to the minister, on the principle of this bill, that this is the sort of information

which should have accompanied the introduction of the bill with the compendium of information required under our rules. I say that most sincerely. I would expect the minister, being a senior cabinet minister and a person well known for his independence, to indicate that this information would be made available to us. In that way, it may well be that the information from other opinion polls that have been conducted at public expense would also be laid on the table so that all honourable members—not just the members of the government—would see the view of the taxpaying community in Ontario and we would have the advantage of that in reflecting policy matters that come before us. It is time the government policy was changed so that we could have the advantage of that information.

**Mr. Foulds:** Mr. Speaker, I had not intended to speak on the bill, having our party's position ably put forward by the member for Nickel Belt and the member for Sudbury. But the fallacious statements of the previous speaker have caused me to rise to my feet.

I would like to point out to him that under the benighted leadership of the former Premier of Saskatchewan, Ross Thatcher, the people of that province only had five per cent of their provincial budget coming in from taxation on the resource industry—a piddling five per cent. It was more than we get in Ontario, but it was still minimal. When the Blakeney government came to power in Saskatchewan, they set a target which they have achieved, of getting 20 to 25 per cent of the provincial budget for the people of Saskatchewan from their natural resources, from their rights.

**Mr. Nixon:** On a point of order, Mr. Speaker: The honourable member has said my statements were fallacious. If he will examine them carefully, he will see that I indicated the policy of the previous Liberal government in Saskatchewan was to stimulate mining investment and development—

**Mr. Foulds:** Nothing of the sort.

**Mr. Nixon:** Well, it did, because the revenue—

**Mr. Foulds:** That's not a point of order.

**Mr. Nixon:** The honourable member said they were fallacious. I am simply indicating that they were not fallacious; they were correct. The policy was stimulative, and that is what we want to do in this province.

**Mr. Foulds:** I think that is what the Speaker would call a matter of opinion as opposed to a point of order. I repeat and stand by my original statement. I want to



point out that since the present Blakeney NDP government has been in power in Saskatchewan there have been more mining ventures and explorations going on there than in practically any other province at the present time, with a much smaller resource base. There are, in fact, 186 active explorations and mining ventures going on in Saskatchewan. That is in spite of the allegations by the Liberal/Conservative Party of Ontario that the tax structure—

**Mr. Makarchuk:** The Sacred Party of Ontario.

**Mr. Foulds:** —an NDP government would implement would discourage exploration and development. In fact, we have got a fair return in Saskatchewan on behalf of the people, and we have encouraged exploration and development in a way that hasn't happened in Ontario. So how does one explain that? It can't be explained by the tax structure.

My colleague from Sudbury has pointed out they have devised a very enlightened kind of ratio taxation in the resource sector in Saskatchewan, so that as the profitability increases the rate of taxation increases. When international conditions are such that the profitability genuinely declines, or there is reinvestment, then the rate of taxation declines. But the mining companies know, and they know for a 20-year period if they have decent forecasters, what the rate of taxation is going to be. And it's built into a formula that is fair, as my colleague pointed out, and one they all know they have to live by.

When a piece of legislation like this comes before this House, I have to ask three fundamental questions. One is: who does it benefit? And who does this tax benefit? It doesn't benefit the small entrepreneur; it doesn't benefit the guy who wants to go out and explore; it doesn't benefit the old-fashioned prospector; it doesn't benefit a small new consortium of entrepreneurs; it benefits five major corporations in this province, and that's all. It benefits Inco; it benefits Falconbridge; it benefits Texasgulf; it benefits Denison, and it benefits Rio Algom. It does not, let me repeat, it does not encourage new mining ventures.

We know what Inco does with its investment. It doesn't invest in this province; it has a deliberate policy of not investing in Ontario. It deliberately uses the profits it generates in this province, and has done for 60-odd years, to invest in foreign sources to exploit the labour force over there. It deliberately does not use the revenues it generates in Ontario for Ontario people to de-

velop Canadian industry. That is scandalous, and the changes this minister is bringing in will simply accelerate that. That's one of the reasons why I have to oppose it so strongly.

Second, when a measure like this comes in I have to ask: who has to pay to pick up the slack? The people who have to pay to pick up the slack are the people who pay OHIP premiums and people who pay ordinary sales tax. The government has to get the tax from somewhere, and because we get so little—

**Mr. Nixon:** The change means \$9 million more, not \$9 million less.

**Mr. Foulds:** —from the resource sector, we are over-burdened as a population with taxation in other areas. It is a deliberate policy of this government and of their Liberal coalition friends to aid and abet that.

This government and its Liberal coalition friends keep crying about how we have to have restraint. We have to have restraints in hospital beds, we have to have restraints in school classes, we have to have restraints in social services. We even have to have restraints in this minister's own ministry, so we don't have adequate conservation officers and we don't have an adequate regeneration program because this government refuses to get the revenue it should be rightfully entitled to.

And what do we do? We lessen this ministry's own taxation revenues.

**Mr. Makarchuk:** They are a bunch of sell-out artists, that's what they are.

**Mr. Swart:** In bed with their corporate friends.

**Mr. Foulds:** I say to you that that is scandalous and shameful because, if anything, the Ministry of Natural Resources should be at least a self-sufficient ministry, if not a profitable one.

**Mr. Nixon:** Revenue is going up by \$9 million.

**Mr. Foulds:** It is, in my view, the second most powerful and important ministry in the government because aside from Treasury it is the only ministry that has taxation powers, and it does not use those taxation powers to the benefit of the people of Ontario.

So, for three basic reasons I have to oppose this tax: It does not do what the minister and the Treasurer say it will do, or that the apologist for the Liberal Party says it will do. It does not encourage new exploration. The people of Ontario, through their OHIP premiums, through the sales tax and other revenues of taxation levied on them, have to pick up the slack. In other words, the ordinary people of this province have to



carry the major mining corporations on their backs. Third, those major mining corporations that I enunciated, Inco, Falconbridge, Texasgulf, Denison and Rio Algom, get enough breaks right now, and we in this party cannot support this tax.

I want to tell you, Mr. Speaker, that if our system of taxation in the resource industry, such as outlined by my friend from Sudbury, was similar to that implemented in Saskatchewan, we would have every bit as much exploration as Saskatchewan has if there was a proper incentive program and a proper participation program by the government in that exploration. We would not frighten away investment. Do you want to know why? Because Ontario is a heck of a lot better place to invest, has a heck of a lot better climate and better work force and is a heck of a lot more stable than Guatemala or Indonesia or the Latin American countries. Yet, most of those major corporations are investing in those other areas where conditions aren't nearly as favourable as they are here in Canada.

So I am not pessimistic, as are the Conservatives and the Liberals, about the future of mining in Ontario. I am optimistic because there are a lot of natural resources in this province that have not yet been tapped, but neither the Conservative government nor their Liberal coalition partners have come up with exciting new ways of encouraging exploration. They can only fall back on this tired remedy of giving to the five major mining companies even more than they have now.

**Mr. Bolan:** I would like to make one or two comments on the subject of this piece of legislation. I agree heartily with the remarks made by my colleague, particularly when he addresses the minister on the question of the Canada Gallup Poll Limited and the little report they came out with. I would presume that this report was some kind of a foundation upon which policies have been based. I also suspect it is for other reasons.

Aside from that, I have another question for the minister. I presume that when he stands up to make a statement later on, when we have finished discussing and presenting our views on this bill, he will kindly tell us whether or not his ministry—I am not only dealing with mines but with other areas of his ministry—is conducting other polls right now to find out what is going on in various parts of the province as they relate to natural resources. What other areas of natural resources are being considered in terms of taxation? Of course, this legislation

relates to mining and that is the principle of the bill, so specifically dealing with mining, I presume that the minister will be able to tell us later on this afternoon whether or not there are other polls being conducted. If there are, why is it that he would not make those available for all of us to see, so we may be able to have the benefit of the collective wisdom of those who have responded to them?

[4:00]

As far as the mining industry in this province is concerned, I think it is right to say there has not been a major discovery in this province since Texasgulf. That was the last major discovery and there is a reason for that: we have scared off every investor in the province. There is no question about that. There are other places they can go with their funds to invest in the mining industry.

One of the reasons why they have not been able to do anything in this province is because they have been overtaxed. I have no qualms of conscience whatever in saying that the mining industries in this province has been overtaxed. That is one of the reasons there are no major investors in this province today in the mining industry.

My friend from Port Arthur mentioned they are running off to Guatemala and they are running off here and they are running off there. Of course they are, for good reason: because the economic climate is better there than it is here and they are being scared off here by the high taxes.

**Mr. Makarchuk:** Cheap labour: four cents an hour.

**Mr. Philip:** They also have a fascist government there. Ross Thatcher understood that.

**Mr. Bolan:** So I say to the minister that we will support the bill, but I do hope when he replies to this House this afternoon he addresses himself to the question posed by my colleague with respect to his secret polls.

**Hon. Mr. Auld:** I will be very brief, Mr. Speaker. First of all, I am delighted to deal with the last matter about polls. I hate to disappoint my friends opposite, but the results of that poll have been available in the mining library since we got them. I think that was about the middle of April. They were circulated among the mining association members who wanted them. We had a number of people write in and we sent copies.

**Mr. Nixon:** The Premier said they could not be made public.



**Mr. Eaton:** The member's research office is not doing a very good job.

**Hon. Mr. Auld:** I guess we should have sent a copy to every member. I am not sure how many copies we have left but I will see that both the honourable members have copies, and if there are any others who would like a copy, I would be glad to send them.

**Mr. Nixon:** That is a great breakthrough. I hope some of the minister's colleagues will follow that example.

**Hon. Mr. Auld:** We are speaking about the mining tax and the mining poll today and I can only speak for myself.

**Mr. Nixon:** But you are a senior member; they all look to you for guidance.

**Hon. Mr. Auld:** I was very interested in some of the things the member for Sudbury said, both previously and today—I am sorry he is out of the House at the moment, but no doubt he and the member for Port Arthur will be back shortly—particularly the question about revenue.

I was interested in the member for Nickel Belt's previous comment in comparison to Saskatchewan: "In 1977, with the existing tax structure on the mining industry, out of \$2.7 billion worth of production, Ontario received \$39 million. That includes the corporation income tax on the mining industry and that is a return of a little less than 1.5 per cent of the value of production. In Saskatchewan, with only half a billion dollars—actually \$511 million—worth of production, they received \$113 million worth of revenue on metallic and non-metallic minerals. That is a 22.3 per cent return on the value of production. So there is a big difference between what we realize from our resources and what our sister province of Saskatchewan receives."

I just want to point out—and I checked this again—that does include oil and gas revenues and he is really comparing oranges with apples and not making a valid comparison.

**Mr. Germa:** Why? It is a natural resource.

**Hon. Mr. Auld:** Let me speak of the great things about public ownership and public management in Saskatchewan. I just happen to have the figures for the Potash Corporation of Saskatchewan, which I understand cost the taxpayers about \$510 million. The income for the year ended June 30, 1978, was \$10.4 million, or a 2.03 per cent return on investment. I must say only a government would operate on that kind of basis.

Let me point out one other thing again in connection with this bill, which was indicated earlier and I think indicated by the Treasurer

in his remarks on budget night. That is that while the mining tax top brackets will disappear—the two highest brackets—at the same time we will be reducing the processing allowances. The processing allowance for refining will be reduced from 30 to 25 per cent, and the processing allowance for semi-fabricating from 35 to 30 per cent to reduce any benefits in the event of another boom year like 1974-75.

I might say the effect of this will be primarily on the larger corporations with the higher profits, rather than on the smaller ones. The smaller ones, of course, will be receiving that increase of \$150,000, as was indicated in the previous statement.

I would like to be brief, but I have made a couple of other notes. In connection with an economic impact statement; it has never been policy for the budget measures announced by the Treasurer on budget night having to do with tax changes to be accompanied by or preceded by an economic impact statement. I think a number of the matters referred to by the member for Sudbury were covered in the budget statement made by the Treasurer on budget night.

As I have said, there are many differences in the way the provinces deal with resources. The member for Brant-Oxford-Norfolk indicated in perhaps an accurate way that certainly the tax policies we have had in place in recent years have not encouraged exploitation and development, because there hasn't been that much of it. There are a number of factors that will encourage or discourage exploitation and development. People will not explore unless there is a likelihood of development, and people will not develop unless they can get an adequate return on their investment. There is no argument about that.

There is a very significant difference between Ontario and Saskatchewan, for instance, in dealing with land tenure. We have mining tax, while they have royalties, but in effect the result is the same. The government is getting a return for the people of the province on the exploitation of public resources.

**Mr. Speaker,** I am happy to know the Liberal Party will be supporting this measure and I would hope we might have second reading and go on to third reading perhaps today.

The House divided on Mr. Auld's motion for second reading of Bill 52, which was agreed to on the following vote:

#### AYES

Ashe, Auld, Belanger, Bernier, Blundy, Bolan, Bradley, Breithaupt, Campbell, Con-



way, Cunningham, Cureatz, Davis, Drea, Eakins, Eaton, Epp, Gaunt, Gregory, Hagerty, Handleman, Havrot, Henderson, Hennessy, Hodgson, Johnson, J.,

Jones, Kennedy, Lane, Leluk, Mancini, McCaffrey, McCague, McGuigan, McKessock, Miller, G. I., Newman, B., Newman, W., Nixon, Norton, O'Neil, Peterson, Ramsay, Reed, J., Riddell, Rollins, Rotenberg, Rowe,

Roy, Ruston, Sargent, Scrivener, Smith, S., Smith, G. E., Snow, Stephenson, Sterling, Sweeney, Taylor, G., Taylor, J. A., Turner, Van Horne, Villeneuve, Walker, Watson, Welch, Williams, Wiseman, Worton.

#### NAYS

Bounsall, Breaugh, Bryden, Charlton, Cooke, Davidson, M., Davison, M. N., di Santo, Duksza, Foulds, Germa, Gigantes, Grande, Johnston, R. F., Laughren, Lawlor, Lupusella, MacDonald, Mackenzie, Makarchuk, Martel, McClellan, Philip, Renwick, Samis, Swart, Warner, Wildman, Young, Ziemba.

Ayes 69; nays 30.

The House divided on Mr. Auld's motion for third reading of Bill 52, which was agreed to on the same vote.

House in committee of the whole.

#### TREES AMENDMENT ACT

Consideration of Bill 8, An Act to amend the Trees Act.

On section 1:

**Mr. Swart:** Mr. Chairman, I just wish to say that we will be supporting this amendment. It is my understanding that this relates to section 8 of the bill which, under the bill that was originally submitted, gave the minister power to make regulations. We had already submitted an amendment to withdraw that power from him; as this is related to that, therefore we will support this amendment.

**Mr. Bolan:** Mr. Chairman, I had before you an amendment that would have done, in effect, the same thing as the amendment that the minister has put forward. The reasoning for the deletion of that particular clause is that, since municipalities which have passed bylaws restricting the cutting of trees may under section 7(b)(1), which I believe is on page four of the bill, authorize minor exceptions to the application of such bylaws, there really is no need to create an exception to a bylaw in any other case provided for in the regulations and, therefore, there is no need to define regulations on page one of the bill. As such, we will be supporting the deletion.

**Mr. Deputy Chairman:** Mr. Auld moves that clause (d) of section 1 of the act, as set out in section 1 of the bill, be struck out.

Motion agreed to.

**Hon. Mr. Auld:** Mr. Chairman, I have another amendment on section 2.

**Mr. Deputy Chairman:** Before we get there, I believe the member for Nipissing has a motion to make.

**Mr. Bolan:** There is a motion to add a new section, section 1(a) to the bill. This is done in conjunction with the proposed amendment to the minister's amendment, and basically what this does is to change the penalty section, which in the original bill submitted was for \$25. What we propose to do is to change it to be not less than \$500 and not more than \$1,000. I understand there is an amendment to section 3 before the House, an amendment put forward by the minister, which would change the penalty section from \$25 to \$50. My amendment would be applicable to that as well, so that basically it would be an amendment to change the fine of not more than \$50 in the minister's new section 3 to a fine of not less than \$500 and not more than \$1,000.

The reasoning behind this change is that until I saw the minister's amendment to section 3 today, which changes it to \$50, the fine of \$25 has been unchanged since 1883, and basically it provides to increase the maximum fine for anyone injuring or destroying a tree growing for the purposes of shade or ornament on a boundary line.

I realize that the provision for a minimum fine is, according to my amendment, for not less than \$500. It is true that under the new Provincial Offences Act, section 60(2), a court may, where exceptional circumstances exist so that to impose the minimum fine would be unduly oppressive or otherwise not in the interests of justice, impose a fine less than the minimum. The inclusion of a minimum fine should guide the court as to the seriousness in which a breach of the section should be regarded.

There is still power within the court to take into consideration all of the circumstances which surround presumably the commission of the offence, presumably the person committing the offence, and the court does have jurisdiction. The court does have the power to use its discretion to make it less than the minimum fine of \$500. That is the amendment which I propose to make to that.

**Mr. Chairman:** Mr. Bolan moves that the bill be amended by adding thereto the following section: "1(a). Section 3 of the said



act is amended by striking out the words 'not more than \$25' in the seventh line and inserting in lieu thereof 'not less than \$500 and not more than \$1,000.'"

**Mr. Swart:** I rise a little surprised because the minister didn't rise first to move his amendment that applied to exactly the same section. However, in view of the fact that the member for Nipissing now has the motion before us, I am going to speak in support of the motion of the member for Nipissing.

I think the argument put forward by him that the \$25 penalty, which was in the original act and had been there, I guess, for close to 70 to 80 years, would certainly be represented today by a minimum fine of \$500, or something of that nature. The facts are that a \$50 fine, as proposed in the amendment by the minister, is inadequate as a penalty for a person who cuts down a tree which is on a boundary line between him and his neighbour. Today, if one wants to get a tree of good size planted in one's yard it is going to cost at least \$250. If one buys a lot with a good-sized tree on it, it is going to cost \$1,000 extra for that lot.

It seems to me the penalty here should be adequate to meet the circumstances; therefore, we will be supporting the amendment put forward by the member for Nipissing.

**Hon. Mr. Auld:** Mr. Chairman, the reason I had not moved my amendment was that I thought the honourable member had an amendment that would have preceded this section. But to comment on the amendment put forward by the member for Nipissing, first of all, I am informed that there has been only one prosecution under this section of that act of which we are aware. The reason I was going to propose it be raised to \$50 is that \$25 did not seem like very much. I have some hesitation, though, in endorsing \$1,000 and \$500, because the kind of offence involved here—tying one's horse to a neighbour's tree, for instance—is not included in section 3 of the act.

In case everybody does not have a copy of the act in front of them, section 3 currently reads: "Every person who ties or fastens any animal to or injures or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands or who suffers or permits any animal in his charge to injure or destroy or who trims, cuts down or removes any such tree without the consent of the owners thereof is guilty of an offence and on summary conviction is liable to a fine of not more than \$25."

It would seem to me, with the kind of penalty suggested by the honourable member, both minimum and maximum, that there would be quite an encouragement for frivolous or acrimonious charges to be laid if somebody's horse or cow stuck its neck over the fence and chewed some branches or leaves off a nearby tree.

**Mr. Riddell:** You'd have to sell the horse to pay the fine.

**Hon. Mr. Auld:** It would have to be a pretty good horse, by the time one paid the lawyer as well.

**Mr. Martel:** Or you should train your horse.

**Hon. Mr. Auld:** Perhaps \$50 is not enough, but I would think \$100 as a maximum would be a pretty substantial penalty. When we get to the other penalties which have to do with what I think are more serious offences, I am in agreement with an increase. But, I would hope we would not go to that extreme for this particular offence, because I can see the possibility of frivolous suits.

**Mr. Bolan:** Mr. Chairman, if I may, I would like to make three points on what the minister has mentioned.

First of all, dealing with the minimum of \$500, one of the reasons there have not been many prosecutions is the cost of the prosecution itself. Many of these townships or towns which would pass bylaws or have jurisdiction over, shall we say, the policing of the act, would have to go out and hire a local lawyer to go ahead with the prosecution. Many of them do not have their own solicitor. Or if they do have a town solicitor or a township solicitor, he is not on a permanent basis but rather a pay-as-you-work service. With the prices lawyers charge today, it is very difficult to see a fee for a prosecution of under \$250. That certainly is my own opinion and, I might add, my own experience as a lawyer who has prosecuted these matters.

Again, probably one of the reasons we have not had very many prosecutions is—and, I hate to use the expression—that there was no incentive because of the cost involved. The cost would be greater than the fine that was collected.

[4:45]

The escape hatch on that, as I mentioned earlier, is under the provisions of the new Provincial Offences Act. Presumably, in arriving at a sentence the judge would look at all the circumstances and facts, and he would consider the seriousness and extent of the damage. If it is something which is



nominal, it would appear to me he would consider this in invoking section 60(2) of the act.

Presumably this is a very important act, otherwise we wouldn't be spending so much time on it. I am not from an area which is going to be greatly affected by this act; however, I have spoken to some of my colleagues from southern Ontario and they are very much concerned about it. I am sure the minister is aware of the voluminous correspondence received from people who are trying to have some input in the legislation, making suggestions, et cetera, all of which is very important in the decision-making process of legislators. This indicates they are very much concerned with what has happened in the past.

If it were just a question of looking at that range—minimum \$500, maximum \$1,000—I think I would have to go along with the concerns which have been expressed by the minister. However, when one does have that option and discretion which the court can exercise, having regard to all of the circumstances, I feel this particular amount is justified when one looks at the cost of the prosecutions. As far as the \$1,000 end of it is concerned, that obviously is there for the repeater, for the person committing a second, third or fourth offence. Nowhere in the act does it deal with a second offence, so that leaves discretion for the court to deal with those cases that are very serious in nature, probably bordering on wilful damage.

Incidentally, if something is very serious, I presume the wilful damage provisions of the Criminal Code of Canada could be applied and bring upon the person found guilty a greater penalty. I feel the high rung of that ladder is there to deal with the extreme case of the breach, as well as with the repeater.

**Mr. Swart:** I rise again after hearing the comments of both the minister and the member for Nipissing. I wonder if perhaps there isn't a compromise to be made on this.

We had before us the two amendments, the one from the minister which sets a maximum of \$50, which seems to me is wholly inadequate to compensate in the case of two neighbours who have a dispute and one cuts down a shade tree that is perhaps 40 or 50 years old. On the other hand, the minimum fine of \$500 bothered us and still does, because if there wasn't even any damage to the tree and the person was convicted, the minimum fine would be \$500. The damage might be very slight.

So if you don't rule me out of order because I have already spoken on this, Mr.

Chairman, I would like to move an amendment to the amendment to delete, in the amendment made by the member for Nipissing, the five last words, "but not less than \$500." There could be a maximum fine of \$1,000 but the minimum would not be set. I am moving this with a view of seeking a compromise here. If I have to support one amendment or the other, I will support the amendment of the member for Nipissing. But I think there is a compromise that would make the penalty more realistic in the circumstances which could exist. It does deal with the question of an animal that would do damage to a tree. I suppose you could tie an animal to a tree and he could eat the bark or some of the limbs off a small tree; if the person was convicted, the minimum fine would be \$500, which wouldn't make much sense in that case.

On the other hand, as I pointed out when I spoke before, there are many times when the loss of a tree is worth at least \$1,000. So I'm moving—if you will accept it—

**Mr. Deputy Chairman:** I don't see any reason why I shouldn't accept it. You can speak more than once in committee, and you can make one amendment to the amendment. I think you're quite in order.

**Mr. Swart:** I would move—I believe I've already put it on record; if you want it in writing—

**Mr. Deputy Chairman:** I'm not clear what you have proposed.

**Mr. Swart:** I would move—I'll put it in writing to you—an amendment to the amendment by Mr. Gaunt, that the last five words, namely, "but not less than \$500" be deleted from his amendment.

**Mr. Deputy Chairman:** Will you read the way you think it should now read?

**Mr. Swart:** I'll have to write it out.

**Mr. Deputy Chairman:** While he's writing that out, does the minister know what the member is proposing and is the minister prepared to speak before he sees it?

**Hon. Mr. Auld:** I think I do, Mr. Chairman. Just one further thing: On the point raised by the member for Nipissing, it is true that in a prosecution of this kind it is the aggrieved who must launch the prosecution; it is not the municipality. On the other hand, that same aggrieved person, if he feels he has been aggrieved for a great expense, has an opportunity to take a civil action, which might well not cost him any more than launching a prosecution for which he would receive no recompense.



I think going from \$25 to \$1,000 is excessive—on the other hand, I feel a lot better when the minimum has been removed; that act may not be proclaimed for some time, and, if such a case were to go into a court, for a judge to see a minimum fine of that amount for a minor infraction wouldn't sit well with the court.

I don't know how much negotiating we can do. I was going to say I'll have an amendment to the amendment suggesting \$500 as a maximum, which strikes me as being a pretty significant penalty for injury to a tree.

**Mr. Martel:** But there's no necessity for the \$1,000. The \$1,000 would be at the discretion of the judge.

**Hon. Mr. Auld:** I realize that. But it strikes me as being a large amount. However, if it appears to be the agreement of the opposition that \$1,000 maximum, without a minimum, is the decision, I'll accept it.

**Mr. Riddell:** A good walnut tree would be worth \$1,000.

**Hon. Mr. Auld:** Conceivably; but if that were the case I'd rather sue for \$2,000 and get costs as well.

**Mr. Deputy Chairman:** Any further discussion? Do I hear anybody saying \$750? If not, I'll put this. But before we put the amendment to the amendment, maybe the minister could get the nod from his legal people that this will make sense, where it fits into the other act.

The proposal is that it would now read: "1(a): Section 3 of the said act is amended by striking out the words 'not more than \$25' in the seventh line and inserting in lieu thereof 'and not more than \$1,000.'"

**Hon. Mr. Auld:** If we leave out the "and" and insert in lieu thereof "not more than \$1,000," I think we have it.

**Mr. Haggerty:** Watch those "ands" and "ors," particularly when you're dealing with lawyers.

**Mr. Deputy Chairman:** Mr. Swart, I'm adding an "and" to your amendment, with your consent.

**Mr. Swart:** Would you please read it again?

**Mr. Deputy Chairman:** All right. I'll read this, not to put the question but just so you'll all be clear.

Mr. Swart moved an amendment to Mr. Gaunt's amendment to section 3 of the act that the words "but not less than \$500 and" on line three of the amendment be deleted.

**Mr. Swart:** Mr. Chairman, I don't understand the word "and." The amendment which

I have before us is moved by Mr. Bolan rather than Mr. Gaunt. It reads: "1(a). Section 3 of the said act is amended by striking out "\$25" in the seventh line and inserting in lieu thereof '\$1,000 but not less than \$500.'"

I want to strike out "but not less than \$500." I don't know where the "and" comes in.

**Mr. Deputy Chairman:** The "and" is immediately after the "\$500."

**Mr. Martel:** Let's get our act together.

**Hon. Mr. Auld:** In Mr. Bolan's amendment it says "not less than" so much and "not more than." If you take out "not less than" you have left "and not more than," which would mean that the act would read, "to a fine of not more than and \$1,000."

**Mr. Bolan:** Mr. Chairman, the best way to explain it is to look at the second amendment which the minister is bringing forward. He is substituting section 3 of the act. He is putting in a new section 2 to the bill which substitutes section 3 of the act. Is that right Mr. Minister? In that new section 3 of the act he goes on to say, "every person who ties or fastens any animal to, or injures or destroys any trees," et cetera, "is guilty of an offence and on summary conviction is liable of not more than \$50." The idea would be to change that \$50 to \$1,000.

**Mr. Swart:** My understanding is that we have an amendment before us from the member for Nipissing. It's not the amendment from the minister. It is that amendment which I am amending. It has nothing to do with that of the minister, and I would think that my wording is correct when I'm amending the amendment by the member for Nipissing. Even if we go back to the act which we're amending it ends up in a fine of not more than \$25. I still don't see the necessity for the "and."

**Hon. Mr. Auld:** I think, Mr. Chairman, what we're trying to achieve is in the last line of the present act, which now reads, "offence and on summary conviction is liable to a fine of not more than \$25." We want it to come out, "offence and on summary conviction is liable to a fine of not more than \$1,000."

**Mr. Swart:** That's right.

**Mr. Deputy Chairman:** Therefore I think we're correct. I gather from the legal advisers that the "and" is not necessary, Mr. Swart, but the assistant clerk also informs me that the legislative editors can tidy up any mistakes of that nature we may make.



So, if we're ready for the question, Mr. Swart has moved an amendment to Mr. Bolan's amendment which reads as follows: "Section 3 of the said act is amended by striking out the words, 'not more than \$25' in the seventh line and inserting in lieu thereof 'not less than \$500 and'"—I'm sorry—"and not more than \$1,000" No, I'm sorry, I've got that wrong. I've combined both amendments. Let me go back again and read the amendment which Mr. Swart has moved.

[5:00]

His amendment is to the amendment that Mr. Bolan has made, and he proposes that the words "but not less than \$500 and" on line three of the amendment be deleted.

All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Mr. Deputy Chairman:** Now we will look at Mr. Bolan's motion. I guess we don't need to read your amendment again, Mr. Bolan. Shall the amendment, as amended, be carried?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion, as amended, agreed to.

**Hon. Mr. Auld:** Mr. Chairman, I now find a bit of a problem, because there is one other difference between my proposed amendment and Mr. Bolan's. I was going to move that the subsection be added as section 2, which would then mean that we would renumber section 3. Consequently, the rest of my amendments are going to create a bit of a numbering problem.

We now have, as I understand it, section 1 in the bill, we have a new section 1(a), and we move to section 2, which now comes up. I would like to move—

**Mr. Deputy Chairman:** I have an amendment here from you, Mr. Auld, for section 3 of the bill. Is that what you're looking at?

**Hon. Mr. Auld:** Yes.

**Mr. Deputy Chairman:** All right. I think Mr. Swart has an amendment for section 2, before we get that far.

Section 1, as amended, agreed to.

On section 2:

**Mr. Deputy Chairman:** I think this is where Mr. Swart wishes to make his amendment.

**Mr. Swart:** Mr. Chairman, may I suggest now that in fact the minister has an amend-

ment to section 2 of the bill which comes ahead of mine. He has it numbered section 3 but that was when he was putting in a new section 2. That new section 2 is not there, and I suggest to the minister that he might want to reword his amendment to read "section 2" where it says "section 3" and where he says, "I move that section 4(2) of the act, as set out in section 2 of the bill . . ." We need to change that twice and to take out the words "as renumbered be struck out and the following substituted therefor."

I offer this assistance, Mr. Chairman, because I'm supportive of his amendment. I have a subsequent amendment to section 2, but it's to a later part of section 2.

**Mr. Deputy Chairman:** I don't know whether you're being of assistance or not. I think you're being very confusing, Mr. Swart. I'm just speaking for the chair; not for the committee.

**Mr. Swart:** Should I repeat that? I'm endeavouring to assist.

**Mr. Deputy Chairman:** If you can repeat it in the same way, you'll be wonderful.

**Mr. Swart:** Mr. Auld's second amendment, which I have from him, is stated as section 3. But the previous amendment which he had would have renumbered the bill. This amendment is drafted as though it were an amendment to the bill as renumbered. But now his amendment really is to section 2 of the bill, because it has not been renumbered. If he changes that to section 2 and takes out the words "as renumbered" it would seem to me it would be properly before the House before my amendment.

**Mr. Deputy Chairman:** Right, I see.

**Hon. Mr. Auld:** moves that section 4(2) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(2) An officer appointed under a bylaw passed under subsection 1, or any predecessor thereof, and any person acting under his instructions may at all reasonable times enter upon the land of any person for the purpose of,

"(a) enforcing such bylaw,

"(b) determining compliance with an order made under section 7(2) or,

"(c) examining trees that might be affected by a minor exception authorized under section 7(b)(1)."

**Mr. Minister:** I gather maybe that renumbering was not correct in the eyes of the legislative counsel.

**Mr. Bolan:** You are one ahead.

**Mr. Deputy Chairman:** My note is the bill has been renumbered by Mr. Bolan's amend-



ment. The minister's amendments as you have them are in order. These things can really be cleared up by the legislative editors, as long as we are clear in our intent. They can probably pick these things up and put them in order. The legislative counsel's advice is to leave this amendment of Mr. Auld as it is worded. I am not sure where it comes in regard to Mr. Swart's proposed amendment, but I gather this one comes first.

Let's discuss the amendment Mr. Auld has made. Are there any questions in regard to it?

**Mr. Swart:** It is my understanding that what we are discussing, if we take the bill as it is submitted to us, is section 2(2) which says:

"An officer appointed under a bylaw passed under subsection 1, or any predecessor thereof, and any person acting under his instructions may at all reasonable times enter upon and inspect the land of any person for the purpose of enforcing the provisions of any such bylaw or inspecting land where an application has been made under subsection 1 of section 7(b)."

It is my understanding that the minister is moving this amendment which we have before us to change that subsection. If I am correct in that, and I think I am, then I think this is advisable because it gives greater powers to the officers who are enforcing the Trees Act. It will give them the power of not only enforcing the bylaw, but examining trees. A later section of the act gives the municipality the power to give certain exemptions. They would be able to go in and examine those trees ahead of time, it gives them the power to go on the property. It really gives the enforcement officers wider powers which are made necessary by the changes this bill makes in the original act.

Therefore, I am in support of that amendment as proposed by the minister. With due respect, Mr. Chairman, I believe when the minister read this into the record that in fact he was right in saying that it is section 4(2) of the act as set out in section 2 of the bill.

**Mr. Bolan:** I suppose it is not the first time in my life I have been confused, but I have to say that I am. I would like to go through the amendments which were put on my desk. These are the minister's amendments. Turn to page two of those amendments.

**Hon. Mr. Auld:** The sheet that is on your desk is headed "section 3."

**Mr. Bolan:** Right.

**Hon. Mr. Auld:** Change that to "section 2." Then go to the second line, which says "as set out in section 3 of the bill." That

should say "section 2." Then cross out "as renumbered."

**Mr. Bolan:** The second page I have deals with section 3 of the act, not with subsection 2 of section 4. I am talking about the act, not the bill. There are two different things here. What I have before me—and as I say this was placed on my desk as we sat down here at two o'clock—says on page one: "Hon. Mr. Auld moves that clause (d) of section 1 of the act as set out in the bill be struck out." That was dealt with.

Next page: Hon. Mr. Auld on section 2. "I move that the bill be amended by adding thereto the following sections: Section 3 of the said act is repealed and the following substituted therefor: Every person who ties or fastens any animal—" et cetera.

**Hon. Mr. Auld:** That amendment never went forward. The honourable member's amendment came first; then that of the honourable member for Welland-Thorold, when it was settled at \$1,000. So that amendment never got before us.

**Mr. Bolan:** Okay; that is explained, that's fine.

**Mr. Deputy Chairman:** Is it the minister's intention to put that amendment forward?

**Hon. Mr. Auld:** No it isn't.

**Mr. Deputy Chairman:** Hon. Mr. Auld moves that section 4(2) of the act, as set out in section 3 of the bill as renumbered, be struck out and the following substituted therefor:

"(2) An officer appointed under a bylaw passed under subsection 1 or any predecessor thereof and any person acting under his instructions may at all reasonable times enter upon the land of any person for the purpose of:

"(a) enforcing such bylaw.

"(b) determining compliance with an order made under subsection 2 of section 6, or

"(c) examining trees that might be affected by a minor exception authorized under subsection (1) of section 7b."

**Hon. Mr. Auld:** Mr. Chairman, you'd have to change your copy too, because in the second line "act as set out in section 3" as it is typed, should now be section 2, because the previous amendment added section 1(a) rather than 2.

**Mr. Deputy Chairman:** I'm going to leave it, if it's all right with the committee and let the editors tidy it up. I don't think it affects the intent we're working for at all.

Motion agreed to.



**Mr. Swart:** I have an amendment to section 2 which immediately follows the amendment we just made.

**Mr. Deputy Chairman:** Mr. Swart moves that section 4(3) of the act as set out in section 2 of the bill be struck out.

**Mr. Swart:** Mr. Chairman, the subsection I am proposing be struck out is on page 2 of the act. Subsection (3) states: "A bylaw passed under subsection 1 or any predecessor thereof, may be limited territorially."

I'm moving this be struck out for, I think, very substantial reasons. Up to this time, a municipality had to adopt the bill to apply to the whole municipality. If we are familiar with the application of the act at all, we know it has been counties and regions which have passed these bylaws under the Trees Act. They have had to pass them for the whole of the municipality or for the whole of the region. This amendment would provide that the municipality could pass those bylaws to apply to only part of the county—or in the case of a local municipality and very few municipalities have passed them—to only a part of the municipality.

[5:15]

Having sat on county council in a region for many years, I know what the result of this will be. In those areas where there is a substantial amount of forest and where the tree-cutting bylaw really should apply to prevent the clear cutting of those forests, there will be pressure brought to bear and the municipality will now be able to exempt that rural municipality or two rural municipalities—or even part of a municipality, whatever the case may be. All of us who have been in municipal life know very well that it is the exceptions that are the real difficulties. You can establish principles for bylaws in legislation such as the Trees Act, you can establish the principles of zoning bylaws, but if you leave it to the municipalities to be able to exempt certain parts of the municipality, where pressure is brought to bear and where it is sort of a co-operative organization, a federation if you will of municipalities, many of them are reluctant to tell the other municipality how they should run their affairs within the county council.

Surely, the main purpose of the Trees Act is to preserve a water table in this province. Anybody who is at all familiar with the original implementation of the Trees Act knows it was brought about because of a study, done I believe in the late 1940s. It was a comprehensive study done by this Legislature, which found that throughout this province there were many areas in danger

of having the water table level lowered, where there would be greater runoff, particularly on the hilly lands, so that there was need to conserve what forest cover we had in this province. That is a report anybody who is at all interested in conservation should read. It was put in very strong terms, and it was endorsed by all members of this Legislature. It wasn't written by any particular party in this Legislature. There was general recognition that it was necessary to do that.

I suppose if I had been in this Legislature at that time we would have put forward a very strong argument that the Trees Act should automatically apply across the whole province rather than leaving it to counties basically to implement it, making it optional whether they did or not. In any event, the majority of the counties in this province adopted it, realizing the need of it.

Now, in effect, if this section is left in, it will mean any county will be able to exempt any part of that county, even though they have a bylaw at the present time. It makes it retroactive that they will be able to amend that bylaw to exempt certain parts of that county. The Trees Act has now been accepted in the counties, and once you pass this the pressures will start to have certain municipalities or parts of municipalities exempted from the application of the act within those counties, and I say it is very dangerous.

It is almost fundamental to this act to have it apply across the whole municipality, because the only place there will be pressure brought to bear to exempt will be, of course, where there is a lot of forest cover at the present time, where it is needed. Where the forest has all been cut, nobody is going to be worrying about exempting that part of the municipality.

To me, this is a very important decision we have to make; it amounts to a decision as to whether we are going to step backwards, that is what it is. We are going to step backwards by permitting more of the province to be exempted from the Trees Act. That is really what this amendment amounts to, and I suggest what I am predicting will in fact happen if we pass this amendment. Therefore I would urge all members of the House to support my amendment to have it deleted.

**Hon. Mr. Auld:** I wonder if I might comment briefly on that amendment. I may say this subsection was included at the request of the municipalities, specifically Bruce county as a matter of fact, where officials wish to treat the southern agricultural part of the county differently from the northern forested part of the county.



It has also been requested by regional municipalities which want to be able to deal differently, for obvious reasons, with urban and agricultural areas, wooded areas and so on. We have to remember that it is permissive legislation. If a municipality, county or region feels that act is unworkable, they will do nothing. It seems to me it makes sense to leave this freedom for municipalities, whose officials are responsible groups, certainly in my experience. They will then have the flexibility to deal in the best way possible, in terms of forestry and agriculture and the water table and everything else, with the land they have. Of course soils and all kinds of conditions vary greatly around the province and within counties. I think that is the reason for this part of the bill.

**Mr. Riddell:** Mr. Chairman, I think the amendment put forward by the member for Welland-Thorold pretty well coincides with the type of amendment the Association of Municipalities of Ontario asked for. Although I can see some merit in it, I can also see that such an amendment would subject local politicians to an awful lot of local pressure. I can see a lot of people becoming involved in this Trees Amendment Act. As a matter of fact I can see 27 different inspectors running around an area. Speaking personally, I am not sure I can support this amendment but—

**Mr. Bolan:** The honourable member is speaking for all of us.

**Mr. Riddell:** I am speaking for all of us then. I am not sure we can support this amendment, because I do think it would subject local politicians to a lot of local pressure; many people would become involved in the act and I think we want to keep it as simple as we can.

**Mr. J. Reed:** Mr. Chairman, I would like to ask the member for Welland-Thorold, if his amendment were to pass what would be the incentive for a person who owns land to undertake reforestation? What incentive would there be? It would seem to me, and I say this as a farmer and as the owner of land where I have just finished reforestation 15 acres, that if I have no prospect of harvesting those trees, if a bylaw were to be enacted that would apply to the urban area and the rural area alike and there was no differentiation made, what incentive would there be for me to make what at this point in my life would be an altruistic move in order simply to try and leave something for my children, and to improve the water table and the water runoff at the same time? In my opinion, if a bylaw is brought in that will prohibit the harvesting of certain kinds of trees in a given area and

applied universally across the whole region, it would be literally stupid for a farmer to undertake to reforest a particular area, especially if there were particular varieties involved.

I will become very specific. My land happens to grow black walnuts very well. Over the last three generations my family has planted black walnuts for the purpose of systematic harvesting. Every year when the black walnuts reseed themselves, we replant and we keep regenerating these. If a bylaw prohibited the harvesting of black walnuts, for instance, what incentive would there be for me to continue that practice? Yet I know it is a desirable practice and I know it is in the best interests of good forest management and good agricultural management to undertake that kind of thing.

I would also like to point out to the member for Welland-Thorold that we have certain areas that are quite unique in our region, unique to sections of the region. Is he going to suggest that any bylaw that comes in regarding trees should then be universally applicable?

I just don't see it working. There are certain demands in urban areas for the preservation of trees. There are certain demands on the escarpment, for instance, for the preservation of forest areas and the maintenance of certain kinds of wildlife, but they don't apply universally across the region, they apply to those very specific areas.

I would strongly suggest this territorial exclusion stay in the bill.

**Mr. Swart:** I think there is some misunderstanding, if I may say so, with regard to the amendment I proposed. The first thing I want to make clear is the amendment I proposed changes nothing that exists today. It is not something new we are introducing today, this leaves things as they were. The practice which has taken place over the years will remain. At the present time, Halton has such a bylaw in effect, it was passed on August 29, 1973.

Surely members must be aware that any bylaw like this does not prevent you from harvesting mature trees. It prevents clear-cutting young trees, but in no way does it prevent the harvesting of mature trees. I would suggest you read the bylaw in your municipality. Of course mature trees can be harvested, but you cannot clear-cut land which has been in forest over the years; except for any trees over and above a certain size and the diameters are given in the preamble to this. Trees that should be harvested can, of course, be harvested.



This amendment makes no change to what we have at the present time. Anything one can do at the present time can continue to be done, as this makes no change. It is the amendment in the act which makes the change. It makes it permissible to exempt any area of the region or country from the provisions of the bylaw which is passed, and which will invariably weaken the bylaw.

I am not sure at this time whether the member for Huron-Middlesex (Mr. Riddell) is speaking for or against the amendment. He said it would create a lot of pressure on local politicians if the amendment went through. It is the minister's amendment that will create that. My amendment is to delete that section so those pressures will not occur. It is the amendment the minister has in the bill which will create those problems: "A bylaw passed under subsection 1 or any predecessor thereof may be limited territorially." That is the one that is going to bring the pressure to bear from anybody who wants to clear-cut the forest.

As the member for Huron-Middlesex has said, it is very difficult for a federation such as a county or a region to stand up to those pressures. If we are really interested in preserving the forest cover we now have in this province, I suggest it will be done better by my amendment than by permitting the minister's amendment to go through.

**Mr. Chairman:** All those in favour of Mr. Swart's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 2, as amended, agreed to.

On section 3:

**Hon. Mr. Auld:** Mr. Chairman, I have an amendment to what is now section 4. Legislative counsel indicates the original amendment by the member for Nipissing which was given as section 1(a) has become section 2. The numbers have been changed. [5:30]

**Mr. Chairman:** Hon. Mr. Auld moves that section 5(1)(e) of the act, as set out in section 4 of the bill as renumbered, be struck out and the following substituted therefor: "(e) apply to trees growing in a woodlot that is two acres or less in area unless the bylaw provides expressly that it applies to trees in such a woodlot."

Mr. Auld further moves that section 5(1)(l) of the act, as set out in section 4 of the bill as renumbered, be struck out.

Any comments, Mr. Minister?

**Hon. Mr. Auld:** Originally the bill proposed that this two-acre exemption would apply. There has been considerable concern expressed that because of rural-residential zonings—in many cases it's a two-acre minimum lot for rural-residential, which is not really a woodlot but might well be considered to be—and create some problems for the owner; and it's a very small area—there should be an exemption.

However, I know that both the official opposition and the NDP were proposing to change this and I'm hopeful with this provision, which will now provide that if the municipality—the county, say—wants to exempt the two-acre woodlot they can, but if they want to include them, they can still do that. It is really putting the onus a little more on the municipality to take a good look at what they're doing and to be able to pass an act with this exclusion, if that is their best judgement.

**Mr. Bolan:** We will support this amendment and withdraw the amendment we had which added a subclause to section 5, because basically we're arriving at a solution to the same problem.

I have some notes here I would like to read into the record. The resolutions committee of the county of Perth's argument on this is that many woodlots of areas not exceeding two acres help maintain the water level in rural areas and prevent erosion of soil. They act as a windbreak and aid in regulating drainage and provide an environment for wildlife and are irreplaceable for their aesthetic value.

The Catfish Creek Conservation Authority are also concerned that the decrease in tree cover of an area increases soil erosion caused by wind and lowers the water table in the soil. The authority points out further that it has been found that a tree cover percentage of eight per cent or less indicates critical conditions insofar as soil erosion and lower water tables are concerned and it adds that it is known that the percentage of tree cover of all the land in Elgin county is now down to about 11 per cent.

These are two of the reasons—together with many others—why we had proposed our own subsection, which is somewhat along the lines of the minister's. However, we will be withdrawing that amendment in favour of the amendment submitted by the minister.

**Mr. Swart:** I think the best way to go about this is to move an amendment. Could I point out, first, so we have everything clear, that it's not set out in section 4 of the



bill, it is set out in section 3 of the bill. Let's make that change.

We're talking about section 3 of Bill 8. If you look on page two, the second paragraph from the bottom, it is (e) that we're discussing.

**Mr. Chairman:** Mr. Swart moves that section 5(1) (e) of the act, as set out in section 3 of the bill, be amended by deleting the words "two acres" wherever they appear and that the words "one-quarter acre" be inserted in lieu thereof; and that all the words following "or less in area" be deleted.

**Mr. Swart:** Mr. Chairman, I moved this amendment, in the words of the member for Nipissing, to express the concerns of the counties that they maintain the tree cover they have. These woodlots of less than two acres are a very essential part of maintaining the forest cover.

The minister's amendment we have before us permits a municipality to pass a bylaw which would apply directly against one owner to prevent him from cutting off a woodlot under two acres.

I ask anybody who has been in municipal life, if you have a general policy which says it doesn't apply to woodlots under two acres, how many municipalities are going to pass a bylaw which says "except that" on that parcel of land belonging to that particular person? He may not cut off that, even though he owns only an acre and a half.

Surely, Mr. Minister, the provincial government must take some responsibility for the overall principle of retaining the forest cover we have in southern Ontario. It seems to me the basic principle they accepted 30 or 40 years ago, when they passed the bylaws they had at that time, was just weakened by the amendment passed previously. When there has been the request by many, many municipalities—and all the conservation organizations—that this two acre minimum is a very critical matter, to give anybody the right if they've got less than two acres to clear-cut it all is a very critical matter and they've asked that it be amended.

The amendment proposed here is nothing more than a gesture; I'm sure you'd agree with me if you've been in municipal life. It won't make a single change in the application of this act. Anyone with under two acres will still be able to cut it off unless a specific bylaw applies to trees in such a woodlot. There may be the odd municipality, the odd county, that will do it, but if we really mean we want to preserve those woodlots which are under two acres as being essential to the forest cover in this province—as they are; the

conservation authorities have asked for this; several of the counties have asked for this; in fact, there is a general request for this—your amendment will not accomplish it. I am suggesting we change that to one quarter of an acre. Anyone with under one quarter of an acre will be able to cut it off. That's roughly 100 feet by 100 feet. One would be able to cut off any woodlot that small.

I want to point out to you that there is another section of the act later on which gives permission for exemption. Why do we not use that section—say a quarter acre here—if there are situations where they need to cut off, for very substantial reasons, a larger area than can be given under the municipal exemptions section? Why not use that rather than leaving this provision which we know is going to be inoperative? It just will not be passed by those municipalities. It substantially weakens the preservation of our forests, our forest cover and will, in the long run, adversely affect the people of this province.

Of course, this is why the bill was passed when it was and most of it was passed in many other areas throughout North America. There was tremendous clear-cutting going on during the early years in this nation. Those who were conservationists, even those agriculturalists and agronomists who worked for the Ontario government back in those years, recommended that there be bylaws passed to prevent any more clear-cutting of the forests in this province. Your government at that time agreed to it and now you're weakening the act.

We know of the dust storms in the depression years. We know of the droughts and the floods. The more forest cover you take away, the more severe all of those things are going to be in the future. We're going to pay a price in our society if we go on watering down an act such as this which provides some protection for the forest cover. Especially in this one where, later in the act we give some local autonomy to the municipalities, to give minor exemptions, why don't we let it be handled under that and accept the principle here?

I would appeal to the minister to accept this amendment I have proposed and leave the minor variations. We will support that in the latter part of the act where it can be dealt with if there is some justification for clear-cutting under two acres. I suggest that if we're concerned about preservation it's a much more effective way of doing it and would give us the opportunity to make those exemptions which may be necessary.

**Mr. Riddell:** Listening to the member for Welland-Thorold, I wonder if he can actually



visualize a quarter acre woodlot. One quarter of an acre to an urban person may seem like a lot of land but if you talk about a one-quarter acre woodlot to a farmer—

**Mr. Bolan:** To an urbane person.

**Mr. Riddell:** —he would think you were right out of your head.

The member for Welland-Thorold talks about all his municipal experience, and I trust he has played an active part in the Association of Municipalities of Ontario, but you know what they want. I don't agree with it, but their recommendation was that it be changed from two acres to five acres because they said that two acres in this day and age is too small a parcel of land. In other words, when you purchase land to build a house in many cases you're talking about two acres of land. So to change from two acres down to the quarter acre woodlot as suggested by the member for Welland-Thorold, to my way of thinking would be ridiculous and certainly contrary to what AMO believes in that they think it should be stepped up to five acres. I think we can reach a compromise and stick to two acres.

**Mr. Chairman:** Any further comments on the amendment to the amendment? If not, is the committee ready for the question?

**Mr. Bolan:** I'd just like to make one comment. This relates to the other clause mentioned, Mr. Chairman. You further read an amendment to section 5(1)(1) of the act. Are we dealing with that particular amendment?

[5:45]

**Mr. Chairman:** We are still dealing with the amendment to the amendment.

Shall the amendment to the amendment carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Shall Mr. Auld's amendment carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion the ayes have it.

Motion agreed to.

**Mr. Chairman:** Is there anything further on section 3?

**Mr. Bolan** moves that section 5(1)(k) and 5(1)(l) of the act as set out in section 3 of the bill be struck out.

**Mr. Bolan:** If I may speak briefly; clause (k) states there is an exemption which applies to trees cut in accordance with good forestry practice. The question is, how do you de-

termine good forestry practice? Who defines it? It is not defined by regulation. Again, you are relying on the individual to determine what amounts to good forestry practice. It is felt the best thing to do is to take this section right out.

This subsection may have been introduced because of a concern by the ministry that bylaws passed pursuant to section 4 have not been as effective as they could be. Instead of setting out standards and specifications for cutting, which would ensure proper forest management practices, the bylaws have generally prohibited cutting of trees below a minimum trunk size expressed as a diameter in inches at breast height. Proper forest management requires taking into account individual differences between forests and between trees within a forest and marking of trees on an individual basis.

No single measurement can appropriately be applied to all forests. If this subsection was intended to promote proper forestry practice I feel it is misconceived and that would not be the end result. The end result would create more problems than you already have, because everyone would be applying for the exemption by saying according to the standards of this particular type of tree cutting this is accepted as good tree cutting.

Does it depend on the type of chain saw you use? Does it depend on the type and length of wood you cut into? I don't know. Really, you are leaving it up to the individual to determine good forestry practice. For these reasons, we are moving this clause be deleted.

**Mr. Swart:** We will support the amendment to delete clauses (k) and (l) for the reasons given by the member for Nipissing. Of course, in the case of clause (l), it is being deleted by the ministry in any event, because it is going to take away the right of the minister to make regulations to apply in cases which may not be covered by the act.

I would think the intent of clause (k) is to provide that trees which have become diseased and trees which have reached maturity should be cut. With that we don't disagree, but as has been stated, the term "good forestry practices" is so broad it can be applied to the way you cut the trees down.

Because up to this time the act seems to have not given any problem in this regard, the municipal bylaws have never been challenged. Of course, they give authorization for the cutting of diseased trees, as the minister will know if he's seen many of these bylaws, or "trees that have reached maturity," et cetera, et cetera. Unless he can point out a legal problem they have had in the act as it now stands then I think this is unnecessary



and can lead to some abuse of the intent of the act and so for that reason we're supporting the amendment.

**Hon. Mr. Auld:** While I agree there is no definition of good forestry practice in the act, the purpose of this is that good forestry practice will be achieved. In other words in any stand—say a young stand—thinning is going to take place just as it does in our own provincially operated forests or county forests. There is a certain amount of pruning and removing of diseased stock and that sort of thing as the honourable member has mentioned.

Really, just not to permit a woodlot owner to improve his woodlot by doing the sort of thinning that is good forestry practice just seems very silly. Any indiscriminate cutting could be prosecuted; it is not producing a loophole under the law. I'm not sure that every tree committee would have a forester as a member of it or as an adviser, but certainly in any case where it appeared that somebody was abusing this section, a prosecution could be launched, and it would be up to the person who had cut the trees to prove that he had in fact been operating good forestry practice.

This clause is here to encourage good forestry practice and to discourage people with a lack of forestry knowledge from attempting to impose impossible conditions on those who wish to improve their woodlots. For that reason this is in the amending bill.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Swart:** I have another amendment to section 3. Perhaps I should have put it ahead of that amendment because it did come ahead, although the amendment I had from the Liberal Party had (e) in it which came ahead of (f), however they dropped (e).

**Mr. Chairman:** Mr. Swart moves that section 5(1)(f) of the act as set out in section 3 of the bill be deleted and the following substituted therefor: "(f) apply to trees which subject to prior approval of the enforcement officers are necessary to destroy in order to erect any building, structure or thing in respect of which a building permit is issued."

**Mr. Swart:** I think the intent of this amendment is perfectly clear. It is to have the enforcement officer look at the area where a building or structure or thing is going to be built and to determine what trees it will be necessary to be cut there ahead of time and

how to come to an agreement with the owner. As long as this is in there you can have someone who buys the property and says he wants to construct something there, and go ahead and cut down a lot of trees unnecessarily. Then, of course, it is too late to replant them.

It seems to me we should give some responsibility to the enforcement officers, as the minister did in an earlier amendment. It seemed that to give them the right to go in ahead of time would be advisable here and that is the purpose of our amendment. I am wondering, Mr. Minister, if this isn't in conformity with your previous amendment, if you might be willing to accept the amendment to this section which we propose?

**Hon. Mr. Auld:** In answer to that question, I am afraid I wouldn't be prepared to accept this for a number of reasons. First of all, what we are doing here, very clearly, is giving an official power to deal with private property and make a decision from which there is apparently no appeal. It seems to me this is a matter of judgement in many cases—when somebody is building a house, for instance—as to how the house is sited, whether they want a leaning tree hanging over the roof, a whole host of things. But the thing I find particularly offensive in this is that we are giving an official the authority to make a decision which affects a person on his own private property and from which there is no appeal.

**Mr. Swart:** I don't think we can let that go unanswered. The whole purpose of the Trees Act affects what people can do with their private property. It tells people whether or not they can cut down their trees. That is the whole intent of it; it applies to private property.

If somebody is going to build some structure—not necessarily a house; most people who build a house in an area where there are trees want to preserve the trees—there are all kinds of other things that can be built in these areas, frequently the trees could be saved. Many could care less about them. Once they are down you can't replace them.

It seems to me only reasonable the enforcement officers—and this is what they are—should look at it ahead of time, rather than afterwards. Perhaps afterwards they have to lay charges. There is a judgement to be made, as you have pointed out, put surely that judgement has to be made with respect to the Trees Act.

Shouldn't the enforcement officers of this act be there to help make that judgement? The person can still go ahead and cut down



those trees, but then he can be charged under the act. It seems to me it is much better to determine this ahead of time. As far as interfering with the rights of the person to determine what trees they cut on private land is concerned, that is what the act is all about.

**Hon. Mr. Auld:** The honourable member mentioned the point that if there is a violation of the law there should be prosecution. But that should be decided in court rather than by an official.

**Mr. Bolan:** We will not support this amendment. I agree with the government's position on it. If there is something which contravenes the act charges can be laid—there are other ways of dealing with it. Deleting the clause does not accomplish the desired results which the member seeks and, as such, we will not support the amendment.

**Mr. Chairman:** Shall Mr. Swart's amendment carry?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

**Mr. Chairman:** Mr. Swart moves that section 5(1)(j) of the act as set out in section 3 of the bill be deleted and the following substituted therefor: "(j) apply to trees which subject to prior approval of the enforcement officer it is necessary to destroy in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under section 2 of the Pits and Quarries Control Act, 1971."

**Hon. Mr. Welch:** Mr. Chairman, may I suggest that we set this bill down now, or whatever the proper language is, because at eight o'clock, by agreement, we will commence with Bill 93 while we are in committee of the whole House.

**Mr. Nixon:** It would be too bad to carry the Trees Act.

**Hon. Mr. Welch:** I take it there is more work to be done on the Trees Act. It being six o'clock and as no time is provided for it tonight, if this bill could be set down now, wherever it may be, we will call Bill 93 and get at that at eight o'clock.

The House recessed at 6 p.m.



## APPENDIX

(See page 2812)

## ANSWERS TO WRITTEN QUESTIONS

## VACCINATION

200. Mr. Mackenzie: Will the Minister of Health inform the House as to: (a) The number of children born with major health problems or physical defects considered to be the result of a lack of vaccination for German measles over each of the last five years. (b) The number of citizens in Ontario who have not been adequately protected by vaccination for measles and rubella. (c) Whether there is any evidence of a more severe reaction to rubella or measles in any particular community or any immigrant group and whether there are more people not protected in any particular ethnic community. (d) Does the ministry have any evidence which would indicate an increased rate of birth defects following an increased incidence of rubella? (e) What steps are being taken to increase the vaccination rate against rubella and measles? [Tabled May 25, 1979.]

Hon. Mr. Timbrell: Our response to the above question reads as follows:

(a) This information is not available. Congenital rubella syndrome has been made notifiable to the medical officer of health and the Ministry of Health only since September 1978. Studies in other jurisdictions indicate that 80 per cent of children born to mothers who had German measles in the first six months of pregnancy have one or more of the following: deafness, eye defects, heart disease, retardation, cerebral palsy.

(b) In the school-enterers 22 per cent have not been protected against measles; 24 per cent have not been protected against rubella.

In surveys carried out by the public health laboratory, examination of blood specimens of expectant mothers demonstrates a lack of antibodies to rubella in 15 per cent of the specimens. This indicates that these women have neither been immunized nor had the disease.

It is estimated that one per cent of the adult population is susceptible to measles.

(c) There is no evidence of differing reactions to these diseases in any particular community or immigrant group.

(d) No studies are available from Ontario.

Studies done in New York state following an epidemic of rubella in 1964 indicate that 25,000 babies were born with congenital rubella defects. In a smaller study following the same outbreak, 80 per cent of the mothers who had rubella during the first six months of pregnancy produced defective babies.

Studies in the Piedmont and D'Aosta regions of Italy following an outbreak in 1973, in Lombardy in Italy following an outbreak in 1977, and in Israel following an outbreak in 1972, showed an increased incidence of defective babies.

(e) An immunization awareness program, costing \$170,000 is currently under way. For the school year beginning September 1980 our government is proposing legislation to cover all children entering the publicly supported school system. At the time of school entry, parents or guardians will be obliged to present on behalf of all children a signed consent form authorizing immunization against measles and rubella and other diseases, or a signed waiver form that exempts children from immunization on medical, religious or personal grounds.

The ministry makes rubella vaccine available at family planning clinics and in hospitals for use in post-partum women whose pre-natal blood indicated that they are susceptible.

## NURSING HOME INSPECTIONS

201. Mr. Mackenzie: 1. Will the Minister of Health inform the House of the number of inspectors—regular, fire, environmental and dietary—responsible for nursing homes in Ontario at the present time? 2. The number of inspectors employed as of January 1, 1979; June 1, 1978; January 1, 1978; January 1, 1977; January 1, 1976; and January 1, 1975. 3. The placement of the inspectors by regional offices during these periods and the areas covered by each regional office. 4. Have there been any instances when an inspector has called ahead of time before conducting an inspection of a nursing home? [Tabled May 25, 1979.]

Hon. Mr. Timbrell: Our response to the above question reads as follows:

1. At the present time there are 15 nursing inspectors, including three regional supervisors; five fire safety inspectors, including one co-ordinator; five environmental health inspectors, including one co-ordinator; and one co-ordinator of nutritional care who are responsible for the nursing homes in Ontario.

2. The number of environmental health inspectors and fire safety inspectors has remained constant over the period January 1, 1979, to the present time at five inspectors, including one co-ordinator in each category.

The co-ordinator, nutritional care, was employed as of August 1, 1977, operating out of



the head office of the nursing home inspection service.

As of January 1, 1979, there were 15 nursing inspectors (including three regional supervisors) in the three regional offices.

As of June 1, 1978, the nursing inspection complement consisted of 16 inspectors, including three regional supervisors.

As of January 1, 1978, the nursing inspection complement consisted of 17 inspectors, including three regional supervisors.

As of January 1, 1977, the nursing inspection complement consisted of 17 inspectors, including three regional supervisors.

As of January 1, 1976, the nursing inspection complement consisted of 19 inspectors, including three regional supervisors.

3. (a) The number of environmental health and fire safety inspection staff has remained constant from January 1, 1975, to the present time as follows:

#### Environmental Health

Ottawa Regional Office, one inspector.  
London Regional Office, one inspector.  
Toronto Regional Office, two inspectors; one coordinator in head office.

#### Fire Safety

Ottawa Regional Office, one inspector.  
London Regional Office, one inspector.  
Toronto Regional Office, two inspectors; one coordinator in head office.

Dietary personnel has remained constant at one co-ordinator, nutritional care, since August 1, 1977.

#### Nursing

As of January 1, 1979

Ottawa, one supervisor plus three inspectors. London, one supervisor plus three inspectors. Toronto, one supervisor plus six inspectors.

As of June 1, 1978

Ottawa, one supervisor plus three inspectors. London, one supervisor plus three inspectors. Toronto, one supervisor plus seven inspectors.

As of January 1, 1978

Ottawa, one supervisor plus four inspectors. London, one supervisor plus three inspectors. Toronto, one supervisor plus seven inspectors.

As of January 1, 1977

Ottawa, one supervisor plus four inspectors.  
London, one supervisor plus three inspectors.  
Toronto, one supervisor plus seven inspectors.

As of January 1, 1976

Ottawa, one supervisor plus four inspectors.  
London, one supervisor plus five inspectors.  
Toronto, one supervisor plus seven inspectors.

As of January 1, 1975

Ottawa, one supervisor plus four inspectors.  
London, one supervisor plus five inspectors.  
Toronto, one supervisor plus seven inspectors.

(See summary.)

(b) The Toronto regional office is responsible for the area including the counties of Haldimand-Norfolk, Brant, Dufferin, Hamilton-Wentworth, Niagara, Peel, Halton, York, Metro Toronto, Simcoe, Muskoka, Durham, Haliburton, Victoria, Peterborough and Northumberland.

The Ottawa regional office is responsible for the area including Rainy River, Kenora, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin, Temiskaming, Nipissing, Parry Sound and retained the counties of Hastings, Renfrew, Lennox and Addington, Frontenac, Lanark, Leeds, Grenville, Dundas, Stormont, Glengarry, Prescott, Russell and Ottawa-Carleton.

The London regional office is responsible for the area including the counties of Essex, Kent, Lambton, Middlesex, Elgin, Oxford, Perth, Huron, Bruce, Grey, Waterloo and Wellington.

4. Inspectors do not schedule their inspection with the administration of the individual nursing home. Appointments are made in isolated cases where the presence of the administrator is essential. These cases include pre-licensing inspections of new facilities which are not yet occupied and which must be inspected prior to licensure, in-service counselling visits, drug recycling and follow-ups where clarification of requirements is necessary. Licence renewal, routine, presale, complaint investigations and team inspections are never scheduled.



## Summary of Nurse Inspector Complement

	Present	Jan. 1, 1979	June 1, 1978	Jan. 1, 1978	Jan. 1, 1977	Jan. 1, 1976	Jan. 1, 1975
Ottawa Regional Office .....	4	4	4	5	5	5	5
London Regional Office .....	4	4	4	4	4	6	6
Toronto Regional Office .....	7	7	8	8	8	8	8
Total .....	15	15	16	17	17	19	19

Note: In each case, the above numbers include one regional supervisor in each office.

	Present	Jan. 1, 1979	Jan. 1, 1978	Jan. 1, 1977	Jan. 1, 1976	Jan. 1, 1975
Number of Homes .....	362	366	369	381	385	411
Number of Beds .....	28,079	28,077	27,799	27,111	25,517	24,823

Note: The number of licensed nursing homes in the province has reduced due to amalgamations of smaller homes, sale of smaller homes to larger homes, et cetera.

The number of licensed beds has increased through the awarding of new beds.

## OHC TENANTS' INCOMES

**208. Mr. Dukszta:** Would the Minister of Housing indicate whether there are any plans or whether there has been any discussion of such within the Ontario Housing Corporation to change the \$75 rent assessment for OHC tenants whose children are working? Are there any plans to assess such tenants for 25 per cent of their children's earnings? Is any other percentage or scheme being considered? [Tabled May 31, 1979.]

**Hon. Mr. Bennett:** From time to time instances occur where grown-up children are still living in their parents' home but are earning substantial incomes. At present only \$75 per month of these incomes is included in the gross family income for purposes of calculating the rent-geared-to-income. Currently the whole question of defining gross family income is under review.

## PUBLICLY ASSISTED HOUSING

**209. Mr. Dukszta:** What plans does the Minister of Housing have under consideration to alter or terminate the role of the Ministry of Housing in the development and operation of publicly assisted housing in Ontario? What studies does the minister have available to him or in preparation by his ministry to identify the continuing need for publicly assisted housing in Ontario? [Tabled May 31, 1979.]

**Hon. Mr. Bennett:** The Minister of Housing is not considering any plan to terminate the role of the ministry in the development of publicly assisted housing in Ontario. However, and as I am sure the honourable member is aware, the role of the ministry has changed substantially with the signing of the new federal/provincial housing agreements, especially in the support for municipal

non-profit housing corporations. The emphasis now will be for the province to encourage greater municipal autonomy through participation in the provision of an integrated housing supply, including assisted housing on a geared-to-income basis.

We are currently meeting with the housing sub-committee of the Municipal Liaison Committee with regard to the new municipal role and the steps to be taken in its implementation, including applicant eligibility criteria and need assessment.

I fully recognize the requirements for an on-going review of assisted housing needs. My ministry will continue to provide study grants or, for municipalities under 10,000 population, staff assistance, in carrying out municipal housing statements. These are broad statements that review many aspects of community development with an emphasis on assisted housing needs. Staff are also available to aid with studies for specific programs.

Further, municipalities are encouraged to submit an annual housing review, by which their specific needs are made known to the ministry.

Information obtained from all these sources, together with other public and private sector information published from time to time, enable the ministry to identify and quantify the need for public assisted housing in Ontario. I am quite prepared to provide copies of any of the municipal housing statements we have received to date, as well as a copy of the annual housing review.

## COMMUNITY DEVELOPMENT SECTION

**210. Mr. Dukszta:** What plans are there for the community development section of the Ministry of Housing? How many staff have been employed in the following sections of



the ministry in each of the last three years, and what plans are there for further employment and programs within the community housing division, community land development division, and its community land development branch specifically? [Tabled May 31, 1979.]

**Hon. Mr. Bennett:** I refer to the question tabled May 31, 1979, concerning the community development wing of the Ministry of Housing.

Please note that there has been a major reorganization of the ministry and effective April 1, 1979, the former community land development division, comprising the community land development branch, the project marketing and surveys branch and the North Pickering land acquisition branch ceased to exist as we knew them. All the program responsibilities of this division were assumed

by the newly formed land development wing, which also is responsible for the planning, financing, developing, and marketing of lands owned by the ministry, including those owned by Ontario Housing Corporation, and Ontario Land Corporation. Ontario Land Corporation lands contained the North Pickering and Townsend new community sites.

Plans for the reorganized community development wing call for the provision of assisted rental accommodation for low and moderate-income families and senior citizens, including the handicapped, as well as opportunities for home ownership in remote rural communities through the community housing division with technical services division providing engineering, architectural and appraisal support.

Employment of staff over the past three years is as follows:

		Civil Servants	Other Staff	Total
1977-78	Community Housing Division .....	38	15	53
	Community Land Development Division (including Comm. Land Dev. Branch) .....	46	34	80
1978-79	Community Housing Division .....	48	—	48
	Community Land Development Division (including Comm. Land Dev. Branch) .....	77	3	80
1979-89	Community Housing Division .....	55	—	55
	Community Land Development Division (including Comm. Land Dev. Branch) .....			
			Nil. (Program responsibilities transferred to Land Dev. Wing)	

The key activities of community housing division include responding to municipal requests for non-profit and assisted low- and moderate-priced rental housing through several programs, and the provision of provincial funding to assist with home ownership in remote rural communities. In general, the client groups are Ontario families and senior citizens of low and moderate incomes. The activity promotes increased municipal awareness, responsibility and flexibility in choice of program delivery.

In 1979-80 the province assumed greater direct responsibility for the administration of provincial and municipal assisted housing programs as a result of federal/provincial agreements.

Staffing for community housing division resulting from the ministry reorganization and the increased responsibilities is substantially complete and no significant increase in employment within is expected.

#### ONTARIO HOME RENEWAL PROGRAM

**211. Mr. Dukszta:** How many requests were made by municipalities last year to the

Ministry of Housing's Ontario Home Renewal Program? How many were funded and what was the total value paid by municipality? How many requests were not funded and what was the total value? What studies has the ministry made of the need and demand for such OHRP grants and will the minister table any studies which he has? What studies have been made of the adequacy of \$20,000,000 being allotted for this program, and will the minister table any such studies? [Tabled May 31, 1979.]

**Hon. Mr. Bennett:** During the 1978-79 fiscal year, grants in the amount of \$19,116,772 were forwarded to 411 municipalities, and \$883,228 was paid to home owners in the unorganized territories. The total request for funding during the year was \$36,066,331, with requests therefore exceeding available funding by \$16,066,331. There were 20 municipalities which did not receive any funding as their applications were received after the OHRP money supply had been totally expended. These requests were for approximately \$800,000.



With respect to your request for the tabling of studies relating to OHRP, this is being examined and a further response will be forthcoming.

#### HEALTH SERVICE ORGANIZATIONS

**207. Mr. Conway:** Will the Minister of Health advise the House as to the ministry budget allocation for each health service organization in the province of Ontario for each of the last three fiscal years? [Tabled May 29, 1979.]

**Hon. Mr. Timbrell:** Our answer to the above question reads as follows:

The following information shows annual payment made to each health service organization during each of the past three government fiscal years.

Health services organizations are not paid on any fiscal year basis. Each has an individual agreement with either an open termination date, or for a fixed period of time, generally one year. Commencement dates of agreements are different for each HSO.

During the course of HSO agreements, payments may vary for numerous reasons, including increases (or decreases) in rosters and outside service use in accountable specialties; application of OHIP Schedule of Benefits increases; application of increments for physician's experience; departures or additions in staffing; addition or subtraction of medical specialties. As indicated, certain HSOs were not paid in selected months during the past three fiscal years since they had not yet begun their initial agreements, or had decided to terminate as HSOs (principally due to retirement or a return to fee-for-service funding).

#### Annual Payments to Health Service Organizations During Past Three (3) Fiscal Years

HSO Name and Location	Annual Payment		
	April 1976- March 1977	April 1977- March 1978	April 1978- March 1979
Alexandra Park Community Health Centre (1), Toronto	\$ 59,146.00	\$ 66,234.91	—
Boyden Medical Centre, Toronto	108,165.00	118,733.47	\$ 118,217.30
Cardiff and Area Health Care Centre, Cardiff	37,457.96	41,256.00	36,851.00
Caroline Medical Group (2), Burlington	247,263.00	292,920.12	342,135.86
Centretown Community Health Clinic, Ottawa	107,576.50	123,619.99	135,780.52
Charlton Family Health Centre (3), Hamilton	26,079.00	98,628.71	196,716.82
Don District Community Health Centre, Toronto	122,398.00	101,996.54	109,309.68
Dundas Family Medical Group, Dundas	231,302.00	213,187.98	250,222.19
Flemingdon Health Centre, Don Mills, (Toronto)	438,739.00	441,672.00	530,819.85
Stephen Hodgetts, MD (4), Northbrook	62,689.00	67,296.25	72,596.53
Ignace Family Health Centre (5), Ignace	93,145.05	110,235.38	111,385.68
Lakeshore Area Multi-service Project (6), Toronto (Etobicoke)	66,904.00	104,739.48	104,104.15
Lawrence Heights Medical Centre, Toronto (North York)	119,162.00	122,283.25	108,409.20
A. J. Malpass, MD (7), (East Hamilton Medical Group) Hamilton	98,438.00	105,672.68	105,651.87
D. W. McLean, MD (8), Hamilton	79,006.00	83,482.62	83,752.61
Mount Forest Medical Clinic, Mount Forest	149,052.00	160,006.19	172,608.44



HSO Name and Location	Annual Payment		
	April 1976- March 1977	April 1977- March 1978	April 1978- March 1979
H. S. Neilsen, MD (9), Burlington	\$ 86,351.00	\$ 97,194.77	\$ 25,641.73
Niagara Neighbourhood Health (1) Planning Board Toronto	104,172.00	77,185.75	—
Parry Sound Medical Associates, Parry Sound	560,653.00	602,620.83	650,083.71
Regent Park Community Health Centre, Toronto	121,659.00	127,656.54	127,909.68
Rideau Medical Centre (10), Newboro	27,045.00	—	—
Ste. Anne's Clinic, Ottawa	152,848.00	161,822.98	191,245.34
St. George Health Centre, Toronto	158,709.00	181,286.59	195,564.86
St. Marys Medical Clinic (11), St. Marys	469,215.38	480,439.50	748,304.86
Sandy Hill Community Centre, Ottawa	120,113.00	136,089.67	136,859.64
Sault Ste. Marie and District (12), Group Health Association, Sault Ste. Marie	—	2,529,000.00	3,379,197.66
Scarborough Community Health Centre (13), Scarborough	39,382.00	—	—
Sharbot Lake Family Medical Centre, Sharbot Lake	118,750.00	127,475.00	128,196.00
Social Planning Council of Ottawa and District, Ottawa	124,617.00	133,939.91	144,489.15
South Riverdale Community Health Centre (14), Toronto	42,150.00	104,944.54	107,097.68
Southwest Middlesex Health Centre 15, Mount Brydges	110,976.74	117,334.06	157,247.60
Springhurst (Drs. J. Cowell and W. Weiss) (16), Toronto	72,370.00	—	—
Village Health Centre (17), Toronto	66,349.00	—	—
Wells Medical Centre (18), Hamilton	102,991.00	27,171.08	—
West Central Health Centres (1), Toronto	—	28,190.00	181,435.03
Wilmot Medical Centre, New Hamburg	295,817.50	271,139.00	308,112.50
York Community Services, Toronto	45,770.88	49,272.00	49,272.00
Total HSO funding by fiscal year	\$4,866,462.01	\$7,504,727.79	\$9,009,219.14

## FOOTNOTES

<sup>1</sup>Merged in February 1978 to become West Central Health Centres.

<sup>2</sup>Paid on capitation-negation basis, effective October 1, 1978.

<sup>3</sup>Commenced operation January 1977.

<sup>4</sup>Terminated May 1979.

<sup>5</sup>Terminated April 8, 1979.

<sup>6</sup>Commenced operation September 1976.

<sup>7</sup>Name changed to East Hamilton Medical Group, effective March 1979, when capitation-negation basis began.

<sup>8</sup>Paid on capitation-negation basis, effective March 1, 1979.

<sup>9</sup>Terminated July 1978.



<sup>10</sup>Terminated June 1976.

<sup>11</sup>Increase in annual payment to St. Marys due to an increase in the practice of Dr. Green, who joined St. Marys in May 1978. The roster increased from 8,348 to 10,238.

<sup>12</sup>Commenced as HSO July 1977.

<sup>13</sup>Terminated August 1976.

<sup>14</sup>Commenced as HSO November 1976.

<sup>15</sup>Terminated March 1979.

<sup>16</sup>Terminated September 1976.

<sup>17</sup>Terminated September 1976.

<sup>18</sup>Terminated June 1977.

Source: Ministry of Health Medical Claims Payment, Insurance Accounting,  
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No. 70

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Tuesday, June 12, 1979  
Evening Sitting

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

TUESDAY, JUNE 12, 1979

The House resumed at 8 p.m.

House in committee of the whole.

## RELIGIOUS ORGANIZATIONS' LANDS ACT (concluded)

Resumption of the adjourned consideration of Bill 93, An Act to provide for the holding of Land by Religious Organizations.

On section 3:

**Mr. Deputy Chairman:** Mr. Warner has moved that section 3 of the bill be amended by adding thereto the following subsection: "7. A trustee shall be a Canadian citizen."

**Mr. Warner:** That is where we left off last time, Mr. Chairman. There were some comments by my colleague from Kitchener who had shown interest in the amendment but also was interested that it be further amended to add to that subsection the words: "or persons who hold landed immigrant status."

I have had an opportunity to mull over the suggestion and certainly concur, so I would amend my amendment to include "or of landed immigrant status," if that is the correct phraseology.

**Mr. Deputy Chairman:** Would it be easier if I sent this amendment back to you so you can revise the original amendment, rather than making an amendment to your own amendment?

**Mr. Warner:** Yes, Mr. Chairman.

Motion withdrawn.

**Mr. Breithaupt:** I think I should to some extent correct my view of the discussion the member for Scarborough-Ellesmere had on the last occasion of this bill coming before the House in committee.

You may recall I had suggested the term "Canadian citizen" did not appear to me to be of any particular merit in this kind of circumstance, since land held by organizations referred to under the act might likely be held by a limited company, or a Canadian citizen who would be holding as a trustee would not necessarily be a beneficial owner for whom that trust would be exercised.

The member for Scarborough-Ellesmere then suggested in discussion with me the

phrase "or a landed immigrant." I suggested to him that I would be interested in hearing the comments of the parliamentary assistant as to whether he saw merit in having both of those parties defined, or whether he was of the view that the amendment as such was still not acceptable, even with that amplification.

I suppose that once the member for Scarborough-Ellesmere places his amended amendment we would then be able to hear from the parliamentary assistant the views he has now that he's had the opportunity of further considering that possibility.

**Mr. Sterling:** Mr. Chairman, after having considered the amendment on a previous occasion I come to the same conclusion I have stated before; that is, we are dealing with the trustees under section 3 and I can see no reason why we should stipulate in this legislation what citizenship those trustees should hold.

The lands that would be held under this particular act are controlled by both sections 6 and 15. I believe the section would add nothing to the act. It could create some confusion by creating a qualification for the trustee. If there was some concern about the ownership of the land held this way, it could be very easily steered around by having a straw man, a Canadian lawyer as a trustee, if someone wanted to get—

**Mr. Haggerty:** They wouldn't do a thing like that, would they?

**Mr. Sterling:** —around that particular section.

The beneficial owner is the religious organization which can control the sale or lease under section 6. Under section 15: "The trustees of a religious organization selling or leasing lands shall on the first Monday in June in each year have ready and open for inspection a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management . . ."

There's adequate control within the act. I think you have to remember that this act is created to allow religious organizations a simple way to hold land, and I don't think there's any need for a qualification on the



citizenship of the trustees. In my view, it can only create confusion.

**Mr. Warner:** Mr. Chairman, I'll be brief. The member for Kitchener and I had some discussions earlier. He shows, and has always shown, some deep concern about the people who direct the activities of things which function in this province and within the country.

He's always had a deep commitment to this country. I've listened carefully on many occasions when he's spoken and I appreciate very much the kind of opinions he's expressed. What I don't understand, quite frankly, is the attitude of the government.

This amendment may not have any substantial effect. I appreciate that. You're right that if a foreign-controlled organization is determined to hold land under the guise of a religious organization in the province of Ontario, even if my amendment carries it will be able to do so by way of using Canadian lawyers. That's what you were saying, and I understand that. It's accurate. If it were for the appearance alone, you should at least be having a public voice which says, "We want to have Canadians involved in the ownership of the land which will be used for religious purposes." Maybe some group can circumvent that, but at least start out from the premise that we want lands which are used for religious purposes to be directed by people who are Canadians or of landed immigrant status. If groups can find a way to circumvent that, fine, you have to deal with that problem. Maybe you can't. But at least start from that basis.

I think that's the first principle. That's why I'm rather surprised at the attitude of the government. If you view the amendment as not being significant, surely you can pass it. It's not going to hurt your legislation. If it causes a significant problem to your legislation, tell me how. Otherwise, I will assume that my amendment can carry. It's going to upset the functioning of the acquisition of lands for religious purposes, explain to me how that will occur, otherwise I'll think that what I've done has made, at the very least, a significant gesture—maybe substantive, I don't know, time will tell. But at least it is a gesture that we are sending out a signal to say we want Canadians to be involved in the ownership of land; not people who are neither Canadians nor of landed immigrant status. I'm very puzzled by the government approach to this.

**Mr. Sterling:** First of all, I'm looking at it in terms of the very practical context of conveyancing that would occur both at the time

of conveyancing and subsequent to conveyancing.

When you're dealing with these particular matters there are certain procedures to be gone through. It's not very often that this type of property changes hands. I would suggest that in most cases, the legal profession or whoever prepared the deed would not be aware of this kind of a qualification in an act. If you are conveyancing and are aware of this particular qualification in this act for this particular type of property, then included in the affidavit should be that the person is either a Canadian citizen or a landed immigrant—if your amendment carries.

The problem is, though, there is no other requirement for that within our conveyancing law for other types of property, so to me it's an impracticality to say that the law will be probably widely known for this very particular circumstance. That makes no excuse for the lawyers who don't do their work, or whatever it is, down the line. It's a practical problem that I can foresee happening.

Also, as I mentioned before, what has citizenship to do with the owning of church property through this act? It just doesn't make any sense to me when it's the trustee we're talking about. The trustee doesn't own the property. The trustee is a figurehead.

**Mr. Warner:** I understand a little more clearly now, Mr. Chairman. It certainly is in keeping with this government's attitude that anyone can come in and purchase any amounts of land they so desire. All you have to do is look at the cottage country in Ontario. The extent of foreign ownership of our cottage country and our farm land is significant now, and this government isn't prepared to do anything about it.

**Mr. Sterling:** We have the land transfer tax.

**Mr. Warner:** Mr. Chairman, I think it's time to place the amendment for voting.

[8:15]

**Mr. Deputy Chairman:** Does any other member wish to discuss this amendment?

**Mr. Warner** moves that section 3 of the bill be amended by adding thereto the following subsection: "(7) A trustee shall be a Canadian citizen or a person of landed immigrant status."

All those in favour of Mr. Warner's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 3 agreed to.



Sections 4 to 9, inclusive, agreed to.

On section 10:

**Mr. Warner:** I have a question regarding section 10. I'll be quite open about it; I have some questions and if they're not answered I'm prepared to put an amendment. It appears to me section 10 is the loophole through which a phoney organization could acquire land for the purpose of establishing a commercial venture—

**Mr. Bradley:** You're not referring to the NDP?

**Mr. Warner:** —a plaza or some other type of venture from which they would derive commercial gain, using the guise of having established the land for religious purposes.

That is my interpretation of that section. I would like a definitive answer from the government because, as I said, if I'm not satisfied I will be placing an amendment to delete section 10.

**Mr. Sterling:** Basically my answer to the member for Scarborough-Ellesmere is that if an organization came in under the guise of this act—first, the only thing provided under this act is a method of holding that land. It doesn't affect its taxability. It doesn't confer on it any taxation rights or alleviation. All it means is you can have one or two or three or a dozen trustees named as the owners on a deed. That's what this act says.

Second, section 1(1)(b) defines what a religious organization might be. If, for instance, an organization did come in and wanted to use this act just for the sake of holding the land, they can be challenged; there's one section in the act whereby a person can apply to a court in order to have it determined whether they fall within the definition of the act. Yes, it is under section 23(2): "... the public trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this act is entitled to do so."

The time period we have set under this lease is in agreement with the Ontario Law Reform Commission—the 40-year period. Whether it be 20 years or 40 years, we're not really concerned one way or the other. We're just following the recommendations of the law reform commission on that end of it. If that doesn't answer I would be pleased to provide further clarification if you could better define your question.

**Mr. Warner:** There are two things. First, I don't believe that section 23(2) answers the problem. It may determine that the organization is entitled to hold the land. I am talking about the organization as having been estab-

lished. Obviously, we are not talking about well-known religious organizations, such as the Anglican church, near and dear to the heart of the government leader—

**Mr. Nixon:** We have our own bill.

**Mr. Warner:** —or the Roman Catholic church or the United Church, and so on. We are talking about other organizations, one of which is the Church of Scientology, about which I raised a question earlier during second reading which was never answered. I asked whether or not it would be covered. The government chose not to respond to that. I believe they are covered under this bill. Further, I believe they could, if they wished, embark on establishing a plaza or a store or a company on lands they acquired for religious purposes and derive an income from that free of taxes for the land because it is established as land for religious purposes. That is the part I am trying to zero in on.

I may be wrong. That is why I said earlier, that I have a question about it because there is some doubt in my mind. If you can satisfy my doubt, I will not place an amendment. But at this point you haven't said anything which satisfied my doubt that under section 10 a religious organization is able to establish itself tax free on land acquired for religious purposes, set up a business or a company or a plaza or some commercial enterprise, derive profit from it and not have to pay taxes. I see section 10 as the loophole through which they can do that.

Perhaps you can satisfy my mind that that is not correct.

**Mr. Bradley:** What a cynical mind!

**Mr. Cureatz:** Cynical.

**Mr. Warner:** No, only inquisitive.

**Mr. Sterling:** As I mentioned before, this bill is basically a bill constructed to provide a method of holding the land. If an organization doesn't fall within the confines of this bill, it must hold it as any other organization might hold it. If it wants to do it in a perpetual sense, it would have to incorporate a company and have that company hold the land. As the shareholders and the directors change, then the company could hold the land now and could hold it 100 years from now.

This bill allows that process to go on through the use of trustees. This bill has nothing to do with taxation at all in the municipal sense, the income tax sense or any other sense. It only identifies religious organizations in terms of how they can hold the land and convey that land in the future.



The intent of this section is to give the religious organization which has chosen to hold the land in this way the rights most other land holders have; that is, to lease land they are not using for a period of time. As I mentioned, it has nothing to do with taxation, so they can't avoid the tax laws by proving they are a religious organization under this bill. They would have to go to other taxation legislation, the Assessment Act—

**Hon. Mr. Welch:** The Assessment Act and all kinds of other acts.

**Mr. Sterling:** —which has nothing to do with this piece of legislation.

**Mr. Deputy Chairman:** The member for Kitchener.

(Applause).

**Mr. Breithaupt:** One doesn't often hear such applause from so many at one time.

**Mr. Bradley:** A tremendous acclamation.

**Mr. Breithaupt:** In discussing with the member for Scarborough-Ellesmere his concerns on this matter of the possibility of holding land as a means of avoiding taxation, I had suggested to him that I thought, for municipal purposes, the Assessment Act would be able to ensure any commercial operation would be so assessed. In addition, I was of the opinion the income tax regulations would also acquire for the crown, either provincially or federally, the requisite amount of tax from any commercial operation, even though an ultimate benefit might flow to the group, the congregation or the religious organization that held title to the property.

In that instance, I suppose, an area of land which might not be required out of a parcel could be developed into a shopping plaza or an office building or whatever else it might be. However, it would be my view that the normal taxation rules of assessment and also income or corporate tax would apply and, therefore, the holding of title to the property would not avoid any commercial involvement and the taxes which would properly flow from that operation.

Of course, if the land was held and the title was of such involvement that the organization was trying to avoid taxes, then the courts could be turned to to see if that residence or auditorium was being used for religious purposes compared with the office building or the plaza. That would be my interpretation. If the parliamentary assistant can confirm that that is his view as well, maybe that answers the concerns of the member for Scarborough-Ellesmere.

**Mr. Sterling:** That is exactly my understanding of this piece of legislation. It's the use of the land that governs the taxation of it and not how it is owned or who owns it. Income tax depends upon the nature of the enterprise and not upon the fact that the land may have been acquired originally for religious purposes and then leased out under this particular act.

**Mr. Lawlor:** Has the parliamentary assistant personally checked this out in terms of the Municipal Act, the Assessment Act, et cetera? There is a designation here as a religious organization and the religious organization has built-in exemptions.

**Hon. Mr. Welch:** Only for the sanctuary. Even the clergyman's house is taxable.

**Mr. Lawlor:** I know the clergyman's house is brought within the tax dimension generally.

**Hon. Mr. Welch:** Anything that is not considered to be the sanctuary is taxable.

**Mr. Lawlor:** There's no diminution of tax with respect to any other portion of the property at all?

**Mr. Warner:** You're worth at least a nuisance tax.

**Mr. Lawlor:** It's a curious matter. Such a case arose three years ago before the justice committee on private bills. True, it tended to be in the opposite direction, namely, that the organization in question was renting from a commercial operation and wished a tax exemption to which it wasn't entitled in that particular context. We recommended to the Metropolitan council that they alleviate them from the tax.

Okay, I'll accept that.

**Mr. Breithaupt:** Perhaps one happy result of this evening is that the provincial Treasurer (Mr. F. S. Miller) is in his place. Perhaps the Treasurer might confirm that the holding of title in this manner would in no way alleviate anyone from the taxes to which they would be properly required to pay. I am sure that the provincial Treasurer would not see this legislation as in any way loosening his grasp upon revenue or indeed rendering unto Caesar the things that are Caesar's.

**Mr. Conway:** He looks like Caesar's wife.

**Hon. Miss Stephenson:** The member for Renfrew North looks like one of Caesar's grandchildren.

**Mr. Sterling:** There is no designation of any kind under this act. All there is is a right to use trustees to hold land. This isn't any different from the existing law now. Taxes



are determined without regard to this particular act.

**Mr. Warner:** In section 10(5), I am wondering if the parliamentary assistant could explain the reason for the three-year term.

[8:30]

**Mr. Sterling:** I think this is just a recommendation of the law reform commission in coming to some reasonable term under a general authorization, rather than having to call a general meeting to further the commitment for another three-year term.

Again, we are not held to this particular figure. I am informed that it wasn't the Ontario Law Reform Commission. It was just arbitrarily picked as a relatively short period of time in order not to have go back again and again for authority when the trustees have a lessee who they want to roll over continually every three years.

**Mr. Warner:** On the question of the law reform commission, and certainly granting that the government is always arbitrary, it still doesn't explain why it is three and not two or four or some other period of time.

You showed some faith in allowing a 40-year lease, but you had to have a three-year term. I still don't understand the purpose of having the three years. Why is that significant?

**Mr. Sterling:** I don't think the three years is significant. We are at the disposal of the House. If you want to make an amendment to make it four years or two years, we are quite willing to accept it. We are just picking a figure of a reasonable period of time.

**Mr. Breithaupt:** I would think that in a variety of lease opportunities, whether it is for some parking spaces that aren't needed or whatever, an annual or even a two-year lease would be a normal sort of thing. I would have only presumed that other than half the cabinet wanting two and half wanting four, and this being a satisfactory division or compromise, this would presumably be a practical, almost minimal kind of term which would not require specific authorization. I have no quarrel with the three years.

Section 10 agreed to.

**Mr. Deputy Chairman:** Does the parliamentary assistant have an amendment to section 11?

**Mr. Sterling:** Yes, I have an amendment to add a section.

**Mr. Deputy Chairman:** Mr. Sterling moves that the bill be amended by renumbering sections 11 to 30 as sections 12 to 31, respectively, and by adding thereto the following section:

"11. The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, grant easements or enter into covenants in respect of land held by them."

**Mr. Warner:** I would like an explanation about the granting of easements. My understanding of the Municipal Act is that the easements generally come under municipal control, which means there would then be a conflict between the religious organization and the municipality.

**Mr. Sterling:** In an easement, there is a person who gives the easement and then there is a person who takes the easement—or a body which takes the easement and a body which gives the easement. This is designed specifically to give the trustees the same power they would have if they were incorporated or held the land as an individual where one could grant an easement for a sewer to go across the lands, whether it has to do with heritage easements with the Ministry of Culture and Recreation or agreements that any other body can enter into. As we have been specific as to the powers the trustees have with the land, it was felt this was an additional power those trustees should have to deal with the property.

Motion agreed to.

Section 11 agreed to.

Section 12, as renumbered, agreed to.

**Mr. Deputy Chairman:** I will refer, if I may, to the numbering as we have it in the bill and proceed on that basis, although this does change it.

Sections 12 to 14, as printed, agreed to.

On section 15:

**Mr. Breithaupt:** I was wondering, Mr. Chairman, whether this approach was to develop a new provincial holiday. It would appear all of us in this chamber and indeed across the province are going to be busy scurrying around and checking into the respective books of the organizations to which we happen to belong. So on the first Monday in June very little will be done other than to page through resolutions in the variety of sanctuaries that dot this province. I hope this is not just a means of establishing a new provincial holiday, but I will take the parliamentary assistant's word for it.

**An hon. member:** Trustees' Day.

**Mr. Breithaupt:** Yes, Trustees' Day; that's great.

**Mr. Sterling:** This is not to be a new religious holiday.

**Mr. Warner:** Mr. Chairman, I rise again in this section as I have in others, anticipat-



ing I will once again not get an answer from the government, whether or not the Church of Scientology is included in this act. I have asked that on every opportunity and the government chooses not to answer my question. I do not understand why. Who can explain stubbornness?

**Mr. Sterling:** Mr. Chairman, I did not want to mention any specific religious organization, or any organization—as to whether or not they are included in this act. But I mentioned to the member for Scarborough-Ellesmere before if they qualified under section 1(b) of the act, the Church of Scientology could apply to a court under section 23 if they want to go through that process to qualify to hold land in this way. They are quite entitled to do so. I do not know whether they are within this act or not; I do not know that much about their organization. That organization now holds its land through a corporation, as I understand it, so it would not be interested in this act.

**Mr. Breithaupt:** Mr. Chairman, I believe this refers back to the original discussions we had with respect to section 1. While I am not debating the merits of the section, is it not correct that in the explanation given at that point any religious organization had to fulfill three conditions? Then, for descriptive purposes only, you refer to a number of groups which are automatically included. That, therefore, does not exclude anyone.

Indeed, I suppose, if some groups said they were, for example, of the Buddhist faith, that would likely mean that questions with respect to subsections 1, 2, or 3 might not be pursued. They would have simply been accepted because of those observations that they were of that faith. It is where other groups might choose to become involved, as suggested by the member for Scarborough-Ellesmere in that example, that they might have to satisfy those three points. If such is the case, then every group, including his example or any of the others, are included. Is that not correct?

**Mr. Sterling:** That is exactly correct.

**Mr. Warner:** The perceptive member for Kitchener has put the issue again. I just wish when we started, when we were in second reading, that the parliamentary assistant had said that straight away. All I can say is that when we pass this bill, as I expect we are going to do this evening, the government had better be aware that certain groups outside of the commonly known organized groups of religious organizations are likely to apply for land holdings. That includes the Church of Scientology and there are many others. I hope the parliamentary

assistant is aware of that and is prepared to deal with it.

It tests our religious tolerance to a certain extent, there is no question about that. On the other hand, we also know that we have a Mr. Hill, who is conducting an examination. All of those people he is examining, I submit, are included, in this bill. They can apply for the holding of lands for religious purposes. I hope the government is prepared to deal with it, because I think you have opened a can of worms, quite frankly.

**Mr. Sterling:** I would just say again that this is only a method of holding land. I draw the member's attention to section 15, which we are now dealing with and which actually provides for more scrutiny than they would have to go through if they were incorporated. If someone wanted to be covert about their motives for holding land they certainly wouldn't choose this particular act.

Section 15, as printed, agreed to.

Sections 16 to 30, inclusive, as printed, agreed to.

Bill 93 reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill, with amendment.

Third reading also agreed to on motion.

#### PUBLIC ACCOUNTANCY AMENDMENT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurtry, moved second reading of Bill 108, An Act to amend the Public Accountancy Act.

**Mr. Sterling:** Mr. Speaker, this bill is introduced to include a new section which changes the procedure for amending the licensing of public accountants. The public accountants are charging \$25 for the licence now. They need \$50 in order to properly discipline their own profession, and it's necessary to go through this change in order to achieve that end.

[8:45]

**Mr. Speaker:** The member for Kitchener. (Applause).

**Mr. Breithaupt:** I'm not really overwhelmed but I'm somewhat surprised.

I realize this is not a bill with particular substance to it but I just had one question before we agree that these opportunities for changing fees should be allowed by regulation. Does the parliamentary assistant have any suggestion as to the schedule of fees that is going to be charged? This \$25 maximum figure could quite clearly be out of date. Is there some prospect or some information he



can give us as to the expectations in this matter?

**Mr. Speaker:** Order. The parliamentary assistant must realize we're in second reading and a member only speaks once to the bill.

**Mr. Roy:** You don't want to get caught like Reuben Baetz. He got up too early.

**Mr. Warner:** We will support the bill on second reading. I find it rather curious, Mr. Speaker, that the bill is drafted in such a way as to give the appearance the fee will be set by a self-governing body of the public accountants' council, when in fact the government is setting the licence fee.

The section we're being asked to approve says, "subject to the approval of the Lieutenant Governor in Council." That means that regardless of whatever amount is set by the public accountants' council, the government can veto that. It's really a government bill. It's probably inspired by the Treasurer, who wishes to extract extra amounts of money from those people he probably views as earning substantial incomes and can well afford to pay more than the \$25 established in 1950. Be that as it may, it's a government bill, and surely the government could have been more forthright and simply have said, "We want to tax these people who are public accountants." Because that's what the bill does.

**Hon. F. S. Miller:** It's their money for them.

**Mr. Warner:** But we'll support it.

**Mr. Roy:** Apart from getting up, Mr. Speaker, and with your indulgence, recognizing the fact that this evening all of us are honoured to know the member for York Mills is celebrating her 31st wedding anniversary this evening—

**Mr. Nixon:** The other principals in the wedding party are in the gallery.

**Mr. Roy:** I hope so because, as I expressed to the member, I would like to meet her husband.

**Mr. Nixon:** I hope you had better things to do on the other 30 than this.

**Hon. Miss Stephenson:** Duty calls.

**Mr. Nixon:** What devotion.

**Mr. Roy:** I just want to ask the parliamentary assistant how it is the accountants have been able to get away with the same fee since 1950. I was reading recently that of all the professions, the accountants—and I don't have anything against accountants; they're fine people, fine professionals, very competent and all that—

Interjection.

**Mr. Roy:** Yes, I know. My colleague tells me it's for their own licences. It's unusual that a profession, which of all the professionals has had the highest increase in remuneration over the last 10 years, is fortunate enough to have kept their licensing fee at the same level since 1950. I suppose maybe that's one reason—if they were able to do that with their own association and were able to do it with their other expenses, possibly that's why their income has increased so much. I would say to my colleague from York Mills, if she compares the medical profession's increase over the last 10 years to that of the accountants, they really look like pikers. It is unusual that this has taken place—

**Mr. Nixon:** It doesn't compare with the lawyers' increase, after all.

**Mr. Roy:** My colleague mentions the lawyers.

**Mr. Speaker:** That's not a principle of this bill, though.

**Mr. Roy:** I hope not, because he is usually off the principle when he talks about lawyers.

I want to say, Mr. Speaker, that lawyers are not much further ahead than the doctors; so certainly we are in support of this bill.

**Mr. Speaker:** Does any other member wish to speak to this bill? If not, the honourable the parliamentary assistant.

**Mr. Sterling:** Mr. Speaker, I cannot answer why they have been able to hold their licence fees so low, but I think the member for Scarborough-Ellesmere should know that these fees go to the professional association and have nothing to do with the Treasurer's bank accounts. They are strictly used by that association and have nothing to do with us.

We are establishing a maximum under their professional act. We have established a maximum in the past of \$25; they only reached that in the recent past and have found that it is too low at this time to carry out their functions within their organization. This section is in tune with most of the other professional associations, whereby the Lieutenant Governor does approve the increases for the associations.

Motion agreed to.

Third reading also agreed to on motion.

#### EVIDENCE AMENDMENT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurtry, moved second reading of Bill 109, An Act to amend the Evidence Act.



**Mr. Sterling:** Mr. Speaker, the act, I feel, is self-explanatory. It provides for copies of the statutes of Ontario to be translated into the French language as outlined in the throne speech of this year.

**Mr. Speaker:** The member for Kitchener. (Applause.)

**Mr. Warner:** There are fewer this time.

**Mr. Breithaupt:** Mr. Speaker, I am pleased to speak in favour of Bill 109.

A week or so ago an interesting item came across my desk from some association or other that was involved—in their own view, at least—with the preservation of the English language in Ontario. They, in their comments, suggested that the ramparts should be manned because the government of Ontario was doing things through the back door that it dared not do through the front door. That, at least, was their point of view, which is one that I trust is not shared by too many people within this province.

It is certainly long overdue that the proper translation of statutes should not, in any way, be compromised in its use in the courts where those persons of French language within Ontario would have the opportunity of otherwise using them. The necessity to prove a translation is a difficult one, requiring certain attestations, and I think this is an opportunity to clarify that matter once and for all.

I would appreciate hearing generally from the parliamentary assistant as to what statutes now have been translated and will be admitted in evidence. For example, the Evidence Act itself, no doubt, is in translation, and probably a statute such as the Highway Traffic Act. Are there a substantial number of others? Perhaps he could tell us, just as a matter of general interest, even though it may not be particular to this point in this act, what the prospects are for translation of the variety of statutes. I would presume, perhaps, that not absolutely every statute within the province requires to be translated. Some, such as the Highway Traffic Act or the Evidence Act, would have a more immediate use than many others would, such as the Stallions Act or the Bees Act or a variety of others we see if not every day, at last every second day.

**Mr. Warner:** Picking up on the comments of the member for Kitchener, I agree. I read that material from the society for the preservation of English—was that it? Some such name. It bordered on hate literature, quite frankly. I was appalled, absolutely appalled. I have criticisms of this government and its lack of a stand on French as an official lan-

guage and I remember all too well that unfortunate moment in our history when the member for Ottawa East had a bill which we all supported and then the Premier (Mr. Davis) ran outside and scuttled the whole thing. I remember that.

Nonetheless, I firmly believe that the members of this assembly for the most part have a very deep commitment to two official languages. The government has made some effort. The government has brought in programs and attempted to establish programs in the French language. I don't think they're forthright enough about it. I don't think they've done enough, but they have done something.

I'm hoping that the parliamentary assistant can tell me—and by raising it now perhaps we will not have to go through the committee stage—I'm interested to know how many statutes of Ontario have been translated into the French language, how many more are to be done and how long it will take to get that done. It's important and it has to be done, the sooner the better. It's a long, involved and arduous process to make sure that all of our courts eventually function in the two languages in the areas where people whose first language is French can be served. It's not happening fast enough for my taste, but maybe it satisfies the government.

I have one other question to raise which is that this bill provides that while the translation into French can be entered as evidence, if there's a conflict the Statutes Act shall prevail. I'd like to know why. I'd like to know why, at the point of conflict between the two, the Statutes Act should prevail over the translation into French. I'll be quite open about it, Mr. Speaker. If the parliamentary assistant can assure me on those two items then I'm prepared to pass the bill on second reading and to avoid the committee stage as well.

**Mr. Speaker:** Does any other member wish to speak?

**Mr. Roy:** I'm always pleased to speak in support of this legislation.

**Hon. F. S. Miller:** Moi?

**Mr. Roy:** Qu'est-ce que tu à dire toi là?

**Hon. F. S. Miller:** Oui.

**Mr. Roy:** I'm sorry, he was interrupting me and I thought I should deal harshly with him in the other official language.

As I was saying, I'm always pleased to support this type of legislation. On different occasions I've congratulated the Attorney General (Mr. McMurtry) for showing initiative in this field. I've been critical of the government, of course, on a number of occasions in



their delay at not having recognized the situation existing in our courts—the situation, for instance, in the province of Quebec and what they have been able to do for over a century now as compared to what was happening here in Ontario. But steps are being taken. I suppose possibly it is with age and experience in this House, but perhaps I am getting less radical, more mellow and so on.

[9:00]

**Hon. Mr. Elgie:** Oh, never.

**Mr. Roy:** I hear my friend. I'll never be as conservative as him. He can be sure of that. I don't think I will ever reach that point.

**Hon. Mr. Elgie:** You may mature completely.

**Mr. Roy:** This Attorney General has in the past shown some initiative. I considered the amendments to the Judicature Act to be for the francophone minority and in the overall scheme of things when we are talking about constitutional reform, national unity and so on, possibly the most significant legislation for Franco-Ontarians since the Education Act back in 1967-68.

It follows that if we are going to allow the use of French in the courts, if cases are going to be pleaded in that language the next step has to be to be able to plead the statutes as well. Of course, it follows that we need translation of statutes. If we get into that, we have to give certain status to the translated version of the statutes. All of this legislation logically follows a process which has been initiated now for some years.

I do want to make certain comments about the approach taken by the government. I do it more out of cynicism than I do out of partisan aggressiveness.

The Minister of Education is smiling and I am not sure if she is smiling because of the occasion or because of what I am saying. Nevertheless, I want to say to my colleagues on different occasions the Premier of this province has taken a pretty harsh and radical approach to demands made by the Franco-Ontarian community. In that sense, I can recall more than a year ago when they were asking for official status for the French language and he came along and in a very tough, harsh, brutal fashion said, 'No way, nor will we be taking a single step to give any official recognition to the French language in this province.' It was only a few months later we were talking in this House about the Judicature Act. We talk about certain other amendments, and gradually we see a whole process in the field of services being implemented and so on.

When the government is presenting this type of legislation, he is by his actions contradicting his words back in February, but it is part of the process. It is good politics. It is excellent politics for Ontario and I can't deny that. A lot of people in Ontario have the perception the Premier is there defending the status quo and so on. He will get votes for it. We saw it last year dealing with Bill 89. When the bill was presented the Premier came down very harshly, brutally and vetoed it and said, "Nor will we be giving any recognition to official status for the French language," again distorting what the bill was saying. By presenting legislation such as this, a certain status is given.

The point I am trying to make basically is this: It may be an ingenious way of progressing gradually by giving services in this province, and politically speaking, it may be a very good way of doing it without annoying a certain element in this province against this sort of approach, but the government does it in a very subtle fashion. The public perception out there is basically that we are defending the status quo but subtly, underneath it, the government is printing certain things in French. Last year, the Treasurer had the budget speech printed in French and he did it again this year. The government is proposing legislation such as this. This subtle approach or scheme may be, as I say, good politics for Ontario, but I repeat, unfortunately the Premier and the Attorney General have said things on different occasions.

In the province of Quebec they have no perception of what we are doing here. Is it any small wonder that is happening? It seems to me that there should be this perception by people in Quebec, that it's important they know we in Ontario are moving gradually and progressively into that area and proposing legislation such as this.

Now I want to say this to the parliamentary assistant: I think this legislation follows logically, I don't disagree with any parts in it; if we are going to be using translated statutes they should be given certain status, but should there be conflict between the translation and the official version in English, the official version in English prevails. But I want to say this to him, and he can convey this or possibly he can answer it this evening: Having passed the Judicature Act, and having understood at the time that we passed it we would move progressively in allowing the use of French in our courts, we started doing it over the past two or three years now in the Ottawa area—at the provincial level, at the criminal division; and we've gone into the family court and so on. What



are we waiting for, for instance in areas like that of my good colleague, who I'm sure is interested in this, the member for Prescott and Russell (Mr. Belanger)? What are we doing there? For instance, why don't we have French in the courts at the county level or the provincial level all the way up? What are we waiting to do?

Look at what they did in New Brunswick on May 1, allowing the use of French in the courts. I mean that was the purpose of passing the Judicature Act; that was the purpose of the federal government making amendments to the Criminal Code. What is going to be the use of a bill such as this if there are no courts in the French language?

What is the delay? We understood the situation last year, my colleague the member for Lakeshore (Mr. Lawlor) and I, when we discussed it with the Attorney General; we said to him, "Yes, we understand that you move progressively in certain areas, at certain levels of the courts." I say to the parliamentary assistant, what's been the delay? I'd like to see amendments such as this have some use; to feel we're not just going through an academic exercise in passing legislation such as this. I want to know, from him, what is in store. He has our full support, and there's no question that he has the support of my colleagues to the left, but let's show that we're doing something, let's not just pass legislation.

I really do think that in some areas of the province, and I mentioned the area of my colleague, the member for Prescott and Russell, as one area where there is great interest in this. I say to him: When 85 per cent of the people in his area are French-speaking—the judge is French-speaking, the crown attorney; everybody is French-speaking, what are we waiting for?

**Mr. Belanger:** And everything in L'Original is in French; and you know that.

**Mr. Roy:** Well, Albert, you haven't gone—

**Mr. Warner:** Then formalize it; put it in the statutes.

**Mr. Roy:** If I've done nothing else I've got him going; way to go, I'm with him all the way. But if he thinks that everything in the courts in L'Original is in French he has been to the wrong court. He's been sticking around family court only, only provincial courts. Has he been to the county courts recently out there and seen what's going on?

**Mr. Speaker:** I must remind the member for Ottawa East that he should confine his remarks to what is in the bill, not what has been left out of the bill.

**Mr. Roy:** Yes, I appreciate that, Mr. Speaker. I got carried away, I apologize for that, but my aggressive colleague from Prescott and Russell got on my nerves; he became provocative.

I say to the parliamentary assistant, we are in full support of what he is doing. Convey our best to the Attorney General, we appreciate the leadership he has given here, but let's see some action. We're giving him the jurisdiction under the Judicature Act, and this amendment to the Evidence Act, but let's make some use of it. After all, it's not an academic exercise, it's for real people, who have real problems out there and let's give them a chance to use it.

**Mr. Conway:** Wait until they hear about this in Chesterville.

**Mr. Speaker:** Will the member for Renfrew North interject from his own seat?

**Mr. Lawlor:** Exactly, if he is going to blow a pibroch let him blow it in the right quarters.

**Mr. Warner:** Better still from outside the chamber.

**Mr. Lawlor:** Very shortly, Mr. Speaker, I would like to know in the reply, in order probably to avoid the necessity of taking it into committee, which I don't think is necessary, how and who is doing this translation; and whether Arthur Stone is studying French so that he may check it out very assiduously.

Second, I would like to know, if the parliamentary assistant is clued in, how they handle the matter in Quebec on the contrary, particularly in the light of the rather curious clause written into the section. That clause: "But in the event of a conflict between the version published under the Statutes Act, and the French language translation, the version published under the Statutes Act shall prevail." I will bet dollars that is not the way it is set up in Quebec; that there is total equality as between the two and they are au fond with respect to the uses of the languages such that either version has complete equality of status.

I would like to hear the parliamentary assistant's explanation of this particular clause. Is it because of the predominancy of English here? Do we set the norm on the English aspect and, if some putative conflict arises, we give paramountcy to the English version? I just find it curious and would like to hear an explanation.

**Mr. Sterling:** Mr. Speaker, I will try to address my remarks to the points raised by the various members in the debate.

There is an intention that there will be somewhat more than 150 acts translated with-



in the next period of time; it will take approximately about four to five years to do it properly. At the present time the Compensation for Victims of Crime Act, the Credit Unions and Caisses Populaires Act, the Ministry of Northern Affairs Act, the Retail Business Holidays Act, the Development Corporations Act and the Human Tissue Gift Act have been all translated and published at this point in time. Three more will be published by the end of the month. They are the General Welfare Act and the regulations under that act, the Occupational Health and Safety Act, and the Family Law Reform Act, which is already translated, but there will be a revision of the original translation.

The second point that was raised was with reference to the part of the bill which says the French translation must defer to the version under the Statutes Act. The fact of the matter is that the legislation under the Statutes Act is and has been passed in the Legislature in English and, therefore, it has to be the prime language when a conflict occurs.

The member for Lakeshore brought up the situation in the province of Quebec. I am informed that, under the government's recent language bill, French is the only official version and the English translation is totally unofficial although it could be challenged at this time.

**Mr. Breithaupt:** Mr. Speaker, in order to avoid having the bill go to committee, may I ask one question of the parliamentary assistant?

**Mr. Speaker:** Well, it is not customary, and I don't want it to be a precedent.

**Mr. Breithaupt:** I referred to the Evidence Act itself and to the Highway Traffic Act, two items which presumably would be very high in priority, because those would be statutes used very much so by persons of the French language. Can the parliamentary assistant advise me if or when those two statutes will be available?

**Mr. Roy:** What is the delay in going forward on the Judicature Act? You didn't answer my question?

[9:15]

**Mr. Sterling:** Mr. Speaker, while I am receiving some advice in relation to the member's question, I would like to indicate to the member for Ottawa East that the Attorney General has indicated he will be implementing Bill C-42 under the Criminal Code to provide for bilingual indictable offence trials anywhere in Ontario, subject to a change in venue where necessary. He has committed himself to that being proclaimed

before the end of this year. I know that doesn't answer all the member's questions. I have to defer his questions to the Attorney General on the other areas he raised.

In relation to the question asked by the member for Kitchener, the Highway Traffic Act is very high in terms of priority and is expected to be done within the next year. The Evidence Act is lower as it tends to be lawyers' law, and as there are very many pressures for various acts. What we are trying to do is the make priorities those that are of the most public concern.

Motion agreed to.

Third reading also agreed to on motion.

#### ADMINISTRATION OF JUSTICE AMENDMENT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurry, moved second reading of Bill 110, An Act to amend the Administration of Justice Act.

**Mr. Sterling:** Mr. Speaker, basically this bill amends the Administration of Justice Act to transfer the jurisdiction for fees for services within the court system from the rules committee to the government or orders in council. Basically these are administrative procedures and do not relate to things in which the rules committee are that interested. They are for such costs as issuing a writ of summons, subpoena, issuing a copy of a judgement or order, setting down an action for trial, filing a notice of appeal, for service of documents by the sheriff, the mileage charges related to the service of documents and other administrative services the Attorney General is providing that do not relate specifically to the matter before the court.

The rules committee will still maintain jurisdiction over setting fees allowed to a solicitor pursuant to an order of a judge, either on a party and party basis or otherwise; the counsel fee including preparation for trial; the brief of trial; written argument, et cetera. The party and party costs are all subject to a taxing master after they are heard.

Basically, the problem is these administrative costs are rising and we are unable to provide the service at the old costs. We would like to keep them more in tune with the actual costs of the services so we can offer better service in the county court office and in the Supreme Court office. Often, we hear complaints from lawyers that they are quite willing to pay more for the service if they could, for instance, get additional personnel in those offices to serve them at the counter and that kind of thing. This will allow us



more leeway to bring the fees charged more in line with the costs to the government.

**Mr. Breithaupt:** Mr. Speaker, I recognize the time of the various rule-making bodies for each of the courts has to be used to best advantage. We have an opportunity here to have one co-ordination of the variety of charges that are made so that we will have both consistency and the proper proportion as to the costs and the time spent, as well as the other matters that are looked into. I believe in this circumstance the manner of dealing with it by regulation is a satisfactory one because we are dealing with a series of payments almost in a mechanical way for a variety of services which are being provided.

As I mentioned, the groups that are charged with the responsibility of making changes to the various rules have certainly much better things to do with their time than to worry about minor changes in fee structures. If this can be done in a more consistent and efficient way, then we will certainly support the bill.

**Mr. Warner:** We will support the principle of the bill, but I am a bit puzzled. I had read back to the act of 1968 and those of 1970 and 1971 and had tried to follow the progression of events, where the section was put in, repealed and then put in again.

I understand that, until this bill we are operating under the 1971 amendments. I don't see anything in that act which precludes doing what the government purports to want to do in Bill 110 which is before us tonight. For example, I don't know why what it wishes to accomplish in having the Lieutenant Governor in Council fix the fees, rather than have this done by the rules committee, can't be done under the existing legislation. If it can't, that is fine. Obviously, the government has determined that it can't be and that is why it has the legislation in front of us. But unless I have missed something—and maybe I have as I'm a novice at this business—it seems to me the 1971 act to amend the Administration of Justice Act, 1968, provides the power required to set the fees. There isn't anything in that act which precludes it.

From the way I read it, it allows the rules committee to set the fees, but it would also allow the Lieutenant Governor in Council to do it by regulation.

**Mr. Lawlor:** I think my colleague makes a good point on that. The wording is slightly different. It is directed to services in the earlier statute, rather than as it reads here, court proceedings in any court. It is a question of terminology and of how one construes it. I would be most interested in hearing the parliamentary assistant's answer to that.

I have a couple of other points and rather than go into committee I will raise a couple of questions. This bill mentions that this particular power is being taken away from the rules committee to be reposed in the solitary bosom of the ministry. It does have one beneficial effect. The scale of fees with respect to these diverse matters—the issuance of writs, taking judgement and so on—differs vis-à-vis the various courts, although there is uniformity, I think, within the sheriff's office itself with respect to matters of service. At least now the bill sets it up in a rational way and there will be certain uniformity between the county court and the Supreme Court with respect to those internal court matters.

The parliamentary assistant said he wanted to keep it in tune with the escalating needs. Sometimes as far as law is concerned, I think it must be in tune with the infinite. Court costs, including the kind of fees he is talking about in issuance of documents, are escalating at such an enormous pace that it is probably better in most instances for human beings to bear the affliction from which they suffer than to launch into court proceedings. The cost at the end of the day will outdistance any benefit they may gain.

That is becoming increasingly a sore in the system and by sheer monetary weight it overcomes and trespasses upon the whole realm of the administration of justice in this province and, apparently, all over the place.

Have members seen court costs and legal bills, et cetera, recently with respect to even a week's trial? If anyone thinks it's worth suing for \$5,000 and be tied up in proceedings for a week or two, he'll find that he's out of pocket, even if he wins.

I'm hoping Williston, when he comes in, will bring in some nostrums with respect to this. What I'm saying is this: watch those costs.

The Attorney General's is one of the few ministries in this government that is self-financing—or darn close to being so. One shouldn't try to make a profit on the deal. It's not the role of justice and the minister should try to keep those fees down.

**Mr. Sterling:** I can assure the member for Lakeshore the intention is not for the Attorney General to make a profit on any of the fees that would be charged. We would like to make it more in tune with a user-pays principle in terms of some of the services we provide.

As to the question by the member for Scarborough-Ellesmere in relation to the present act, there is some question as to whether the present act provides the jurisdiction to charge all these administration



fees we think should be under the order in council. This act is drafted in order to clarify exactly what we are allowed to charge. If he checks the previous section of the act, he will find it is more restrictive.

Motion agreed to.

Third reading also agreed to on motion.

### JUDICATURE AMENDMENT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurry, moved second reading of Bill 111, An Act to amend the Judicature Act.

**Mr. Sterling:** Mr. Speaker, this bill really strikes off in two or three different directions to correct three or four areas which needed housekeeping amendments.

First of all, section 1 deals with defining an associate chief justice so that he is enabled to sit on the rules committee as an associate chief justice and qualifies for that office.

One of the sections, section 4, deals with interest after judgement. I believe in 1977 we formally amended section 38 of the Judicature Act in order to deal with interest prior to judgement. This is to take care of the case for interest on judgements after they are made.

Section 6 deals with the reorganizing of the rules committee and goes through various changes within that particular rules committee.

Section 5 deals with the divisional court in dealing with the appeals heard to the divisional court where they can in fairly minor matters instead of being heard by a panel be heard by one judge of the divisional court.

I expect to take this particular piece of legislation to committee as I have one amendment to section 5.

**Mr. Breithaupt:** Mr. Speaker, in looking at Bill 111 it somewhat reminds me of what one hears about in high schools and universities these days—that is grade inflation.

In this instance we're going to be dealing with rank inflation, because whereas before this act is passed we have senior judges and judges, now we're going to have judges and junior judges. I'm sorry, it's the reverse.

Before this bill is passed we would have judges and junior judges. And, of course, when the bill is passed we will have senior judges and judges.

I don't know that it would have made too much difference which way the province would have gone in legislation such as this. However, it would appear that we don't want to call anyone a junior judge in future.

This same circumstance we see in a bill like this where we're adding additional terms to the word "judge." I realize that this other bill, Bill 112 I think, refers to the junior judge circumstance, but in this area we're dealing with other minor things, really. We are going to add the registrar of the Supreme Court to the rules committee. We're going to deal with—the final point—the registrar as secretary of the rules committee—a variety of items which will, I think, be useful and none of them particularly earth-shattering but certainly all of which we will support.

**Mr. Warner:** The parliamentary assistant will be relieved to know that we're supporting this bill.

It seems to me, as I read through it, there is something in the bill which begs some definition and that is the term "prime rate"—how it's to be determined; whether it will be set by regulation; whether there will be a mechanism for review. Will there be an automatic way of altering the prime rate? How will you determine it?

My understanding is that at one time it was about five per cent and recently it's been established by the courts that the rate which is applied is about 10 per cent. Obviously it's an arbitrary amount, but I'd like to know about it. I agree with the idea of establishing the prime rate. That's fine, but I'd like to know whose measurement you're going to use; how you're going to determine it and why you wouldn't put it in as a definition in the bill.

**Hon. Mr. Snow:** Call the Bank of Canada. Did you ever hear of them?

**Mr. Warner:** That's not what it says in the bill—to the Minister of Transportation and Communications who is interjecting from someone else's seat.

**Hon. Mr. Snow:** Right. Mine's occupied.

**Mr. Warner:** If it was meant that the prime rate of the Bank of Canada be put in then it should say so. That's what should be put in, the prime rate of the Bank of Canada, or a definition: "Prime rate means the Bank of Canada prime rate."

**Hon. Mr. Snow:** The Bank of Canada is in good hands. Two or three weeks ago, not so good.

**Mr. Roy:** How would you know?

**Mr. Warner:** The Minister of Transportation and Communications may want to defend sloppy draftsmanship, but I don't.

**Mr. Roy:** The minister's wrong on that one. The dollar went down since the Tories took over federally.



Hon. Miss Stephenson: Yes, but do you know why?

Mr. Deputy Speaker: Order.

Mr. Warner: I'd like to know then, if that's the case, is it to be altered yearly?

Interjections.

Mr. Deputy Speaker: Order, the member for Scarborough-Ellesmere has the floor.

Mr. Warner: There's a considerable amount of static in this chamber, Mr. Speaker.

An hon. member: It's the provincial Legislature.

Mr. Warner: It's a curious thing about section 5—I was hoping that the parliamentary assistant would speak to it—as to why it would be determined to have one judge only instead of three. It would appear to me that there are matters which are dealt with in the divisional court in which it is prudent to have three judges instead of one. I'd be interested to know the parliamentary assistant's view as to why that was changed.

Just one last point of curiosity is that section 6 reduces the number of judges on the rules committee by one. It may not be significant but, again, any time the government chooses to make a change I want to know why. Why do they make that change?

Those are the particular questions I have. Again, in an effort to be expedient and co-operative, if those questions can be answered then we need not go through the committee stage.

Mr. Roy: Mr. Speaker, I'm pleased to rise in support of this legislation. There are certain matters in the bill, of course, that are housekeeping and are interesting. My colleague mentioned the following bill where we'll deal with judges and junior judges, but I notice that part of this bill mentions the rank and precedence of judges. That's always important to determine this rank and precedence to keep our members of the judiciary pleased.

To me, the most important aspect of the housekeeping amendment is section 4, dealing with interest. You will recall, as the parliamentary assistant mentioned, that back in 1977 amendments were brought forward to section 38 of the Judicature Act allowing interest on judgements or on the liquidated amount of damages prior to judgement. I want to tell the House that I thought that was a very significant amendment.

In many claims, but mostly in motor vehicle claims when we were dealing with insurance companies, very often on large claims it was

to the advantage of the insurance company to wait and not settle an action until they arrived at the courtroom door because at that point they were better off. It was cheaper for them to hold off. The high rate of legal fees and so on didn't really come into being until you started the actual trial. That's when costs really started getting heavy. In fact, the delays were caused because there was no interest. I want to tell you, Mr. Speaker, the amendments to section 38 have encouraged settlements because from the day of the accident when notice of claim is given and that there will be a claim and possibly a claim for interest under the Judicature Act, there's an incentive, a built-in incentive for people who owe money to pay this amount prior to dilly-dallying in the courts because they know they'll have to pay interest on it. I thought that was a very significant amendment.

As I recall, at the time we were discussing the legislation I wondered why it was that we stopped at the judgement. Why did we not allow interest on the judgement after it was given until the time that it was paid? As I recall, we were told that after the judgement the jurisdiction over interest was within the purview of the federal government. I don't have the Hansard here but I recall that aspect being mentioned when we were discussing the matter of interest. Possibly the parliamentary assistant can enlighten me. I remember being told that up until the time of judgement, interest was within the realm of provincial jurisdiction, but after judgement it came within the competence of the federal government.

Being annoyed about this, some time ago I wrote to the federal Minister of Justice saying, "Look, it seems to me that there is a certain anomaly here, that interest can be paid until the judgement is given or awarded but after it's awarded there is no interest." The result of this is that it encouraged—I saw it in different cases—undue delays on the part of people owing judgements to pay these judgements. In fact, there may be some encouragement even to fool around, to put in a notice of appeal for a period of time and possibly delay paying the judgement for six months to a year. The interest at that point I think was at a fixed rate of only five or six per cent, which was absolutely ridiculous.

I would like some enlightenment as to why the province feels it can establish interest at prime rate after judgement. I think it is an important step. I see no reason why interest should not be paid at prime rate before and after judgement.



All of these are factors that encourage people to settle actions; to complete actions to finality.

I also notice that in subsection 2 the judge will have a certain amount of discretion either to disallow the interest or to fix the rate of interest higher or lower than the prime rate. I just wonder how one goes about doing that if the judgement has already been awarded. Which judge are we referring to? Would it be the appeal judge who would be fixing interest at a higher or lower amount?

My question to the parliamentary assistant is this: Once you obtain a judge's decision and you are awarded judgement, who decides after that point? Which judge are we referring to who will have the discretion to disallow interest under this section? Do we go back to the trial judge at that point to determine whether the interest should be higher or lower or whether the date should be different?

I suppose, out of necessity, this section does not apply to a verdict rendered or judgement given before this section comes into force. I just wish there were some other way of doing that. I feel it should apply as of the date the section is proclaimed. The sooner we include the largest number of awards and judgements under a section such as this, the better it is going to be.

Section 5 deals with appeals to the divisional court. I guess these appeals are coming from small claims courts. My colleague has asked why that section is needed. As I understand it, appeals from—I always get confused when talking about appeals as to how you end up in divisional court or in Court of Appeal; which go where.

**Mr. Breithaupt:** You always win your cases, so you'd never know.

**Mr. Roy:** That's right. I seldom have the problem of going to that level. But I must say I am confused.

Talking about divisional court, I really wonder whether it was needed; whether we couldn't have just had a High Court on all matters, whether dealing with statutory procedures or otherwise. I don't want to offend anybody, certainly not the members of that court, because the judges of divisional court are judges of the High Court who sit on that, but I must admit I get confused as to how you end up in divisional court or High Court and so on.

Our system of courts is still somewhat confusing. I think the Attorney General could show some leadership in making the process a bit more simple so that the lay people might understand it. If the lawyers are confused,

we can have some sympathy with the people on the street.

The other matters in the bill, as my colleague has said, are basically of a housekeeping nature, and I do not have much to say on them, although I say again that I am pleased to see section 4 dealing with interest; it is something that I think is long overdue.

I would like to hear the parliamentary assistant's comments. Am I confused? Somebody kept telling me it was federal jurisdiction after judgement.

[9:45]

**Mr. Lawlor:** Just a couple of points, Mr. Speaker: This is a pretty disparate bill—disparate too. One has to take it almost section by section. Just to comment on the second one—the supernumerary judges situation—and this business of seniority from the time of appointment, et cetera. Supernumerary judges would no doubt have, overwhelmingly, the seniority. Therefore their ranking in appointment would remain substantially as it is today. This is not of great consequence to the Attorney General or me but among the judges it is a matter of great importance as to who gets the perks. “I have this office with the bathroom attached.”

**Mr. Roy:** They're not really any different from MPPs.

**Mr. Speaker:** Meanwhile, back at the bill.

**Mr. Lawlor:** Yes, back to the ranch. He is to be commended on section 4 on interest. It's a very wise move to broaden that out and give discretionary powers to whatever judge it is—the trial judge basically—in this determination. It gives him a double weapon in court, doesn't it? He has control over the costs with respect to the lawyers' fees and as to his handling of the matter and can milk them in costs if he wished to do that. On the other hand he can direct his attention to the interest situation as it affects the client with respect to lowering and varying it throughout. I think the greatest ambit that can possibly be given to judges in the courts is a dimension of the justice that may be administered at that end.

The single judge sitting in the divisional court: The subsection has to do with final orders proceeding from a master, on appeal. I can't take much exception to that. I'm just wondering whether in the (b) part of that there might be something like “on consent of the party.”

In a matter where the judge is satisfied from the nature of the issue—and the minister doesn't seek to give any delineation of what those issues might be—and the necessity for expedition can and ought to be heard by



a single judge. I say: "Sure, provided that the parties are in agreement." But normally there are three judges and that court is set up in a very special way for very specific purposes. In a sort of division from the court of appeal process as it was known in ancestral times, this is a new court, relatively speaking—it's only been in existence in the last few years. I'm saying that type of arbitrary power ought not to be reposed at this time in its history in that court. I ask the parliamentary assistant in any event to think about it and to give me some indication of his response in this matter. I much prefer and I'm sure he does, the three judges sitting there, where there are many others appointed to that court.

It has become an extremely busy court, handling all those rights matters within the Statutory Powers Procedure Act and that whole package of prerogative writs and all this kind of thing. So I think we have to be very careful about reposing the power in a single judge.

As I understand it in the instance an appeal may be taken from that court on a multiple range of matters to the Court of Appeal itself; it is not a final court. Do the provisions with respect to that apply to the single judge, or does the member consider that covered within the terms of divisional courts legislation?

Well, yes, the final thing is what we have just covered with respect to the fees under the previous legislation.

**Mr. Sterling:** As I mentioned in my opening remarks this bill, because of its nature, sort of shoots off in three or four different directions; the matters aren't really related one to the other.

In relation to section 4, in terms of the interest, as I understand it there was some concern about the provincial and federal jurisdiction in this area. The Attorney General is of the opinion that this particular area is an area where there is concurrent jurisdiction basically, both by the federal and the provincial governments, on this particular matter, and they take their power from that—that is their constitutional opinion on their power to create this.

**Mr. Roy:** You realize its record is no hell on constitutional matters.

**Mr. Sterling:** The other concern of the member for Scarborough-Ellesmere related to how the interest was calculated. I would refer him to section 38 of the Judicature Amendment Act which was passed in the fall of 1977. It ties the prime rate to the rate established by the Bank of Canada, and I believe the Bank of Canada review establishes that each month. Section 38 is a rather lengthy section, but it deals with the various circum-

stances to delineate exactly what that section might be.

**Mr. Lawlor:** What is it right now?

**Mr. Sterling:** I am afraid I couldn't answer that particular question.

The other question in relation to that is that the section refers to a judge and in that instance it refers to the judge who is trying the case. If he makes no order as to the interest, then the interest would run in accordance with section 38 and how it would be calculated out, but it gives him the opportunity either to increase or decrease the interest rate.

Say for instance there was an interest rate on a contractual basis which was much higher than the prime rate, then why should the person after judgement be treated better than before judgement? Or vice versa; the prime interest rate could be much higher than the contracted rate and the judge may say, "Well, the plaintiff is right in seeking a breach, but the breach of the contract may have been sought to collect a debt earlier than its maturity date."

Under section 5 in relation to the divisional court, basically this section and the other section too were introduced at the request of the court. The first section of the bill, section 5(1a)(a), dealing with appeals under section 17(1)(f) of the act, deals with interlocutory matters from the local judge or the master which are generally of a minor nature. I intend to amend the second clause of that, section 5(1a)(b).

I passed to the critics an amendment, so it will read, I would hope, if amended in committee, "in a matter that a justice of the High Court or a judge designated by him is satisfied." Basically, the justice of the High Court would have to be satisfied there was an urgency. This section really is put in there for a case of urgency outside of town where one cannot convene a panel of three judges in a short period of time. I believe there are appeals to divisional court for certiorari or mandamus and often urgency is of prime importance. That is sort of the impact behind that particular section.

As to section 6 regarding the rules committee, I understand the total result of these amendments will basically remove the registrar of the Supreme Court from a secretary and nonvoting member, to a member. The total result of this amendment, I am informed, increases the number on the rules committee by one.

Motion agreed to.

Ordered for committee of the whole House.



## COUNTY JUDGES AMENDMENT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurtry, moved second reading of Bill 112, An Act to amend the County Judges Act.

Mr. Sterling: Mr. Speaker, basically this bill removes the reference to a junior judge. It makes two kinds of judges: county court judges and a senior county court judge. Before, there was a senior county court judge and junior county court judges. This is done to remove the connotations related to the word "junior" as to the competence of those judges. Really, their jurisdiction in a courtroom is exactly the same, whether they be senior or junior judges, and this is to remove that connotation.

Mr. Breithaupt: Mr. Speaker, I had made certain remarks on an earlier bill with respect to this item which I will now briefly repeat.

Mr. Lawlor: I thought you were talking about this one.

Mr. Breithaupt: To some extent, of course, it is much like Alice in Wonderland.

Mr. Speaker: You mean you are now in order.

Mr. Breithaupt: Mr. Speaker, you may remember the race in Alice in Wonderland. As I recall, while quite clearly some had won and some had lost the race, the results were phrased, "All have won and all must get prizes." In this circumstance, we now have judges and junior judges, but we are soon to have senior judges and judges. Presumably, all have won and all must get prizes.

The importance of this inflation of rank is perhaps worthwhile in that it does set out somewhat more clearly the responsibilities within a county that there in fact be a senior judge. This becomes more involved as a number of counties, such as my own, Waterloo, have three or four judges. Indeed, in the more populous counties within the province this is the thing which is happening now, rather than having it only as an exception within Metropolitan Toronto or in fact within the county of York as it then was. Other counties are now developing three and four judges because of their populations.

Presumably, it is better to set out the responsibilities of a senior judge so all the other members of the bench are considered in some form responsible to that person for at least some administrative reasons within the particular county. I note there is an amendment which does develop this further, so the bill will have to go to committee. Other than that, the interesting comment I

would have is with respect to the changes in section 18 regarding surrogate courts.

[10:00]

It was my understanding that the appointment of surrogate court judges was not necessarily restrained or restricted to simply one surrogate court judge per county. As a result, I am wondering whether this is any particular change in the practice which had gone on before. I presume that practice was that as many judges of the surrogate courts would be appointed as would be necessary. I am wondering whether this is any particular change to the amendments since 1970, when this section was last amended or at least section 4 of that amendment was changed at that time.

Perhaps if the parliamentary assistant could advise us as to whether there are changes in the surrogate court appointments that might be of interest to the House.

Mr. Warner: If the parliamentary assistant had answered my questions on the last bill, we wouldn't have gone into committee. I'll try on this one. I support the principle of the bill. I have some questions regarding section 18. I certainly agree with the concept that the Lieutenant Governor in Council can remove judges for inability, incapacity or misbehaviour. That might apply to some members of the assembly, but the Lieutenant Governor can't remove any of the members that way. Only the public can do that.

It appears to me that that definition sets the surrogate court judges apart from other judges as to how they will be treated. It also raises a question as to who will establish how this is done. There are very subjective kinds of impressions as regards ability, capacity and misbehaviour. Who establishes these? Are there formal provisions? Who will make the determination and how will it be brought to the attention of the Lieutenant Governor in Council?

Is there a hearing involved? Is there a form of appeal for the person who has been accused of being unable, incapacitated or misbehaving? I would like to be satisfied on those questions. I will put forward again my appeal, which didn't meet with approval in the last bill. If my questions can be answered, we can avoid the committee stage; otherwise, we have to go to committee.

Mr. Bolan: I would like to make a couple of comments on this bill. First of all, I heartily approve of the bill. I think it is long overdue. I could never understand during the last 19 years that I have been practising law what the difference was between a junior judge and a senior judge.



**Mr. Roy:** Nineteen years?

**Mr. Bolan:** Yes, 19 years this month in fact.

I have to confess that in many instances the junior judge literally carried the senior judge in and out of the courtroom. I can understand why the senior judge requested a junior judge; he simply could not carry out his duties. It really was a sad commentary on a judicial system, when one saw people getting on in age who would have some younger judge come in who, for all intents and purposes, was doing all the work. He was doing all the appeal work, all of the criminal work and all of the jury work. The so-called senior judge ended up taking motions or hearing uncontested divorces when the proper amendments were made to the Divorce Act to allow matrimonial causes courts.

It certainly is something which is long overdue. I can only say on behalf of all of those junior judges who have been striving so hard over the past years to get rid of this title, which was bestowed upon them by the Ontario Legislature for all of these years, that it is certainly very welcome.

Just as an aside, I might say that the minister still has a long way to go before he gets to the real root of the problem with the county and district court judges, and that is regionalization of your judges. I've spoken about this before in this House, I have spoken to judges about it. As soon as you break up the province into regions, each region then would have a senior judge whose function and whose duty it would be to dispatch county or district court judges throughout that region.

Does the minister know that now, if there are three judges assigned, let's say to Sudbury, there is no way that one of those judges from that district can be compelled, can be ordered under the County Court Judges' Criminal Courts Act, to come down to the district of Nipissing to help the judge who may have an extra heavy load there? That's one of the problems we have, and I would hope the parliamentary assistant would again bring that to the attention of the Attorney General, I certainly have brought that to his attention.

Once we have our county court judges regionalized, we are just one step away from having a complete, unified court system in the province of Ontario, whereby all of the judges, other than provincial judges, all of the so-called section 96 judges who are appointed by the federal government, would all be Supreme Court judges. They would all be in the same classification, such as they

have, for example, in the province of Quebec, which I think is the proper way to deal with the judiciary in this province.

**Mr. Lawlor:** This is a halting attempt to democratize the judiciary.

Do you know of the horrendous case of the two judges, Mr. Speaker? They were together for quite a long time. One man was 25 years older than the other—this is the opposite case—and continued to be called "junior" throughout the whole thing, particularly by his younger colleague. The man felt so badly over such a long period of time that he could hardly judge. I'm sure he's the one behind this legislation; he must have protested finally and vigorously enough for it to be able to get through.

Why isn't there a judicial council operative in this particular area, as my colleagues say, rather than this rather skimpy, threadbare piece of business with respect to the removal of such judges, that is surrogate court judges?

**Mr. Roy:** Mr. Speaker, I think one feels compelled to speak on this bill. As my colleague the member for Nipissing mentioned, if the Attorney General was really serious about making amendments or changes to the Judicature Act or County Courts Act, it seems to me that he could start getting at the root of the thing, at the nub of the thing as my colleague has suggested.

I think many of us in this Legislature, surely my colleague the member for Lakeshore and others, have mentioned this question of regionalization, the distinction between Supreme Court judges and county court judges. It's still a confusing process. We're moving, with the unified family courts, hopefully, in that direction.

But I can't help, when I open this bill and read some 19 or 20 sections which basically deal with one thing, eliminating the word "junior"—

**Mr. Bolan:** They must have an inferiority complex by now.

**Mr. Roy:** It makes you wonder, Mr. Speaker, as my colleague the member for Lakeshore was saying, about someone having an inferiority complex if we refer to junior judges in so many sections of the act. When one talks about juniors and seniors, I keep thinking of hockey leagues and something like that. How many occasions have I seen where an older member of the bench would be appointed subsequent to a younger member and here one is considered the senior and the other one is the junior; junior judge such and such, you would see this in the press.



It's certainly an expression to get rid of, and hopefully after this is done, as my colleagues have mentioned here, a lot of judges in Ontario will no longer have this inferiority complex. Let me tell you from experience, Mr. Speaker, many senior judges did not let their colleagues forget that they were junior judges.

It surprises me that section 6 is necessary. Section 6 says: "A senior judge of a county or district court may regulate and supervise the other judges of the court in the exercise of their authority."

I may be confused on this. However, in Ottawa-Carleton it's true we've had some pretty domineering senior judges, but I always thought they had the jurisdiction. They certainly acted like people who had the jurisdiction to regulate and supervise the other judges of the court in the exercise of their authority. I always thought they already had that authority and I'm surprised to see that it's necessary by this amendment.

It says something about the process of judges and courts—and we're spending the whole evening here talking about that process. Can one imagine using 20 sections basically to take the words "junior judges" out of one of our statutes? How those words ever cropped up in there in the first place is beyond my understanding, especially at a time when the appointment to the county court was considered a status symbol. That one would accept the appointment of becoming a county court judge and then turn around and say, "I'm just a junior judge of the county court," sounds contradictory in terms that one would accept that high office and all the status involved and the recognition from society and then be called a junior judge.

**Mr. Sterling:** Mr. Speaker, it's my intention to take this into committee as I have a minor amendment to section 6.

Basically, in answer to the inquiry of the member for Kitchener about the appointment of surrogate court judges, there will be no change in that area. In relation to disciplinary action, members will note that this particular bill does not deal with a county court judge in regard to disciplining him. Every surrogate court judge is a county court judge and that falls within the federal jurisdiction. Their appointment and their discipline falls within that purview so that the appeal procedure in relation to disciplinary action falls within the federal jurisdiction and, therefore, it is not dealt with here. That is basically the reason for there not being any appeal procedure set out here.

As I mentioned, I will take it into committee of the whole House. If there are specific questions about specific sections that someone would like to raise again, I would be pleased to answer them.

Motion agreed to.

Ordered for committee of the whole House.

#### PROVINCIAL COURT (CIVIL DIVISION) PROJECT ACT

Mr. Sterling, on behalf of Hon. Mr. McMurtry, moved second reading of Bill 113, An Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions.

**Mr. Lawlor:** Read that again.

**Mr. Speaker:** Does the member have an opening comment?

**Mr. Sterling:** Yes. Maybe I should first comment by apologizing to the clerk for the lengthy title of this particular act.

**Mr. Lawlor:** You well may do so.

**Mr. Sterling:** This act is basically a trial project—

**Mr. Lawlor:** It will cost the taxpayers of the province something.

[10:15]

**Mr. Sterling:** —in Metropolitan Toronto to increase the jurisdiction of the small claims court from \$1,000 to \$3,000. The idea behind this piece of legislation is to provide wide latitude to a rules committee to formulate rules to deal with actions which fall within this monetary jurisdiction. It is hoped that as a result of this project we will be able to make the litigation process more accessible to the public at a lower cost. In other words, what we're trying to do is establish a procedure which falls somewhere between small claims procedure and the county court procedure for actions of this type.

**Mr. Breithaupt:** This bill is really the first this evening in a series of bills that has a clearly defined principle to it. We have moved to develop both criminal and family divisions of the provincial courts. Now we have the opportunity to develop, in effect, a civil division by the changes which are being suggested this evening in this bill.

It's true this is to be an experiment in that the act repeals itself on January 1, 1983. What we have generally in the small claims courts around the province is a jurisdiction of \$1,000. In this instance we're increasing the jurisdiction to \$3,000, but we're also moving



to develop a new type of procedure, as the parliamentary assistant mentioned. His comments with respect of developing this as a type of intermediate step between the traditional small claims or division courts, as they used to be called, and the county court system is an interesting one.

I believe we must clearly know the intentions of the Attorney General as he launches out into this particular experiment. My colleague, the member for St. George (Mrs. Campbell), has particular concern that we perhaps would be better off setting out the mechanics of the court and having those mechanics in place before we substantially increase the jurisdiction. After all, when we are dealing with \$3,000 as a jurisdictional level one must be certain that justice is going to be available but not unnecessarily speeded through without the full opportunity of persons to have their cases heard and to have the necessary protection which the courts can give.

I understand, of course, that the proposal here will, we hope, reduce the cost and the delay that causes between that \$1,000 and \$3,000 figure have in their present existence in the county court system. Certainly the cost and the delay are important factors. Here we have the opportunity of having, hopefully, speedy and adequate justice in the resolution of these particular disputes but at a substantially increased financial level. For many of the persons who will be coming before this court this additional dollar amount is going to be of great personal consequence to them.

We have had the opportunities to see, through trials involving a variety of motor vehicle accidents, that perhaps on some occasions the solicitors acting for insurance companies have all of the tools available to them to possibly delay or postpone actions, tools which the claimant may not have. As we reduce the procedures and have an easier system of dealing with claims, I hope that we will be able to ensure that the average citizen will still be able to have a simplified approach to the court system, which the county court system, with its more particular rules and procedures, does not otherwise allow.

We are, of course, as the project sets out in the second section, using a limited class of civil action. I realize that it's the wish of the Attorney General and the parliamentary assistant, who has had much responsibility in developing and assisting with this project, to get on with the opportunity of sorting out the procedures and the manner in which this experiment is going to take place.

I have raised the point of my colleague from St. George with respect to the dollar amount. The dollar amount is going to be important for many people in Metropolitan Toronto.

It is going to be a difficult matter to deal thoroughly with the balance of keeping these courts easily available to the average citizen without having them bogged down in the rules and procedures of pleadings and other details that are ordinarily the prerogative of lawyers who are appearing in the county and supreme courts within the province. It is going to require the wisdom of Solomon perhaps to set up judicial procedures and to ensure that the people who are involved in these actions, both plaintiffs and defendants, will not be snowed under by procedural niceties or by the difficulties which often come before the other courts.

Some of the pre-trial settlement procedures that now exist in the county and supreme courts are likely going to be built into this kind of system. I am certainly looking forward to seeing just how successful this group, the advisory committee, is going to be in trying to sort out the best of the present division court attitudes with the more practical values of documentation and rules that the county court system now has.

I would appreciate a response from the parliamentary assistant with respect to the persons who are going to be involved under section 8 in the advisory committee. He cites seven persons to be included, namely, the Deputy Attorney General, the senior judge of the provincial court or his nominee, and five others. One of these is going to be a county court judge, and at least two others are going to be members of the Law Society of Upper Canada. Could the parliamentary assistant advise me now the types of qualifications he is expecting for the other two—what will we call them?—citizen appointments? I suppose it would be possible that one or the other of those two could be lawyers as well, but there may be value in other kinds of appointments. I would be interested in hearing the type of person he has in mind to bring what I would presume would be a kind of consumer input into the balance we are seeking in the rules this advisory committee will develop.

On this side of the House we certainly welcome this opportunity for a new departure in the administration of justice within Metropolitan Toronto. I wish the committee well as they attempt to strike that balance to which I referred earlier, and I hope the experiment will be a successful one.



I understand that only full-time judges will be involved in this project; the opportunity for lawyers of 10 years' experience who are ordinarily available in the small claims courts to the county judge who may wish to use them, or who needs to use them from time to time, is something which I think should properly be avoided in this instance.

To have consistency in the development and thoroughness in the project which is being set out, it is best to be using the full-time staff of judges we have—persons who are appointed to familiarize themselves particularly with the small claims procedures and activities—and, therefore, perhaps better able to deal more quickly with the details of cases because of their full-time commitment and involvement in these matters.

As I say, I hope this project is a successful one. If the parliamentary assistant can enlighten me on the details of those other two persons on the advisory committee I would certainly appreciate having that information.

**Mr. Warner:** I certainly would recommend to my colleagues, and have, any measure by which we can enter at any time into an experiment which might benefit the people in Ontario in having access to the courts with less formality and with a greater opportunity of having their case heard in a way that isn't going to cost them an arm and a leg. Part of the problem, as I understand it, is that through the small claims court process often the cost for legal fees may be more than what a person is going to get back in the settlement. So the person involved thinks twice about going into the court.

I welcome the experiment. I think it's important, but I am very concerned about a number of matters, some of which have been touched on by the member for Kitchener. What procedures will be involved and how will we know how this experiment is proceeding? An advisory committee will be set up, but will that committee be reporting—I know it's reporting to the Attorney General—to the Legislature?

I think it's important that the advisory committee report to the Legislature, and not at the end of 1982. The act is repealed on January 1, 1983. We need to have a report, after say six months, then after a year and then after 18 months and so on, as to how this is proceeding. I have a concern about the advisory committee. I'd like to know, as the member for Kitchener has asked, who the other members are going to be. I'd like to know what members of the public will be on it. I'd like to know what kind of criteria are involved and how the members of the public will be selected. I think it is important

to have more than just lawyers on that advisory committee.

Unfortunately, section 8 is rather loosely worded in terms of the reporting mechanism. As I read it, they actually could get by with reporting on December 1, 1982 and that would be sufficient. It's extremely important, if we're going to enter into an experiment by which we hope to better serve the needs of the people in Metropolitan Toronto first and then the rest of the province, to let members know on a regular basis how it is proceeding, what are the problems, what are the good points from it and are the people being served. Obviously, if there are changes that have to occur then we should bring in the necessary legislation to do that. I urge the ministry to do that.

Like the member for Kitchener, I also welcome any changes which will make access to the courts easier for people who don't have great means behind them and which will also mean they will see that justice is being done so that they can be part of it. Then when they have a problem they can bring it into court where it's going to be resolved and it's not going to be expensive. I welcome that, but I want to be assured this assembly will be able to examine this experiment right from the beginning to the end. I think part of doing that is reporting back to the assembly; but part of it also is ensuring that members of the public who are not lawyers are included on that advisory committee and that they do make regular reports back to the assembly.

[10:30]

Again, as on the other bills, if those questions can be answered we may not have to go through the committee stage. I welcome the experiment and hope that it is successful, successful to the point where it will be expanded into the rest of the province beyond Metro Toronto.

On motion by Mr. Lawlor the debate was adjourned.

**Mr. Speaker:** Under the provisions of standing order 28, I will now hear the member from Downsview for up to five minutes. I deem the motion to adjourn to have been made.

#### AUTO PACT

**Mr. di Santo:** Mr. Speaker, I raised a question on the auto pact the other day and the answer given to me by the Minister of Industry and Tourism (Mr. Grossman) was unsatisfactory, because he showed either lack of knowledge or outright ignorance of the facts; in fact he said that the situation today



is better than it was before and that we are dealing with cycles.

The fact of the matter is that the Minister of Industry and Tourism doesn't understand that the auto pact has been working consistently against the best interests of Canada. As a matter of fact, in the life of the auto pact there has been an increasing deficit every year. In 1977 we had a \$1 billion deficit. Even during 1978, when there was a reduction of the total deficit, we had a deficit from the auto pact in the amount of \$3 billion; and in 1979, in the first four months, we had a total deficit of \$766 million and in the parts segment we have a staggering deficit of \$1.6 billion.

I think the minister should understand that the long-term viability of the Canadian industry will depend to an important degree on a significant capacity to perform research and development in Canada and there is now a lack of R and D in Canada. In fact, according to a federal government paper, R and D expenditures by the big three in the US amounted to approximately \$3 billion in 1977. An additional \$245 million was spent in the US by the 21 leading parts suppliers. In comparison, the total automotive R and D expenditures in Canada at the same time amounted to about \$8 million. Canada's population relative to that of the United States, is in the order of one to 10; Canada's auto R and D relative to that of the United States is in the order of one to 406.

What we know, but what the minister doesn't know, is that there is a design revolution going on, a wild rush to produce lighter, more efficient automobiles, which will use less of what is certain to be scarce, high-cost fuel. What we know, and the minister doesn't know, is that where most of the research and development is done more of the jobs will be created. That has been the problem with the auto pact; we have been pursuing, since its inception, the prestige of the assembly line. In fact the Minister of Industry and Tourism mentioned the other day that while he was in Japan he asked the Japanese, he begged them, to set up some assembly lines in Ontario. What he didn't ask the Japanese about was the fact that they will be getting rid of all the assembly lines in Japan by the end of the 1980s, and they are doing more research and development in Japan because that is where the jobs are, that is where the profits are.

The Minister of Industry and Tourism should also know that we have a huge deficit in what the federal government calls "non-merchandise items" which accounted for \$448 million in 1978. I want to tell the min-

ister that if he thinks we are better off he should tell the House why he has not come up with any response to the task force as he promised on March 15. Why has he not come up with any concrete proposals on investments in the auto industry? Why has he not come up with any idea as to how the government intends to improve the structure of the automotive industry in Ontario and what kinds of measures of assistance for the automotive industry and especially for the automotive parts industry the government is devising?

**Mr. Speaker:** The honourable member's time has expired.

**Mr. di Santo:** These are the real problems that the government has to come to grips with, which the minister is unable to do at this point.

**Hon. Mr. Grossman:** Mr. Speaker, essentially the problem of auto trade between Canada and the United States is that in order to assemble vehicles in Canada a substantial proportion of the parts and components must be imported from the United States. Consequently, when new car sales are strong in Canada but are slack in the United States, Canada must import parts to serve our own market while the export of vehicles and parts to the United States obviously decreases. The effect is that our high importation of parts is not sufficiently offset by our export of parts and vehicles.

During the first five months of this year, registrations for North American cars in the United States dropped by some three and a half per cent. Industry sources tell us that the main market-retarding condition in the United States has been fuel shortage. In Canada we have not experienced a downturn of sales over the first five months. In fact, the industry dealer vehicle sales for the five-month period increased by six and a half per cent over last year, according to Ward's Automotive Reports.

The problem essentially is that the structure of the industry in Canada is such that it is not able, either through Canadian suppliers or through motor vehicle manufacturers' in-house facilities, to provide the capability of the US industry. A change in industry structure and breadth of capability is a solution to better trade balance for Canada. Implementing the change is the major policy thrust of this government to complement industry capability.

We, together with the federal government, and the recent Reisman commission review have recognized the need to make the industry in this country less dependent on the US



parts industry. It is for this reason we have provided an incentive to Ford in Windsor and have supported the Hayes-Dana investment in Barrie and have provided assistance to TRW and Tridon.

**Mr. di Santo:** That's nonsense.

**Hon. Mr. Grossman:** Reference has been made to the Treasurer of Ontario stating on June 5 that the auto pact has improved our position rather than making it worse. I would like to point out to the honourable member that in 1964, the year prior to the auto pact, Canada's auto trade deficit with the United States represented over 72 per cent of total trade with the US, whereas the deficit of \$766 million accrued in the first four months of this year represents less than nine per cent of total trade for the period, which was \$8.9 billion.

On this basis, I think it can clearly be stated that the auto pact has been good for Canada and Ontario, but cannot be said to be the perfect solution. It does not alter the fact that the capability of the parts industry

must be changed to improve Canada's balance of trade with the United States. This government is dedicated to bringing about the industry changes to make this possible.

I would point out to the member that this has been recognized by the auto parts association, which is I think quite supportive of all the actions taken by this government and quite satisfied with the role and activities of this government.

**Mr. di Santo:** It's not.

**Hon. Mr. Grossman:** The member might interject and say they are not. I invite him to contact them and ask them point blank whether they are satisfied and comfortable with the activities of this government.

**Mr. di Santo:** I spoke to them.

**Hon. Mr. Grossman:** I suggest he will find them quite supportive of the activities of this government.

**Mr. Speaker:** This dispenses with this item.

The House adjourned at 10:40 p.m.



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Legislative  
Committee









No. 71

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, June 14, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

THURSDAY, JUNE 14, 1979

The House met at 2 p.m.

Prayers.

### NEWSPAPER COLUMN

**Mr. Rollins:** Mr. Speaker, on a point of personal privilege: I would like to make comment on an article in the Sun newspaper of Wednesday, June 13, written by one Gary Dunford under the heading "Everybody Out on the Lawn," making reference to all members and to the staff of this Legislature and to the manner in which it has been published.

With your permission, could I read it into the record for further comment?

"Everybody Out on the Lawn!

"They say Jack Stokes—the Speaker at the Legislature—would do anything to wear his robes of office. When Stokes is wrapped in the intimidating cloak of not-too-many-colours, he is not as mortal men. He is for the ages, eternal.

"Perhaps it was in just such a moment that the idea came to him that he should be recorded, for history, surrounded by a cast of thousands.

"That's why he's invited everyone who works at Queen's Park—including the hapless hacks and flacks—to gather on the lawn tomorrow to have their picture taken for a provincial brochure.

"They hope to have every pig who feeds at the public trough present, perhaps as many as one thousand oinkers.

"There is no truth to the rumour the brochure is for the Ontario Pork Council."

Mr. Speaker, during my term as an elected member of this Legislature, I cannot recall anything so disgraceful and so uncomplimentary to the elected body of this House and to you, your honour, as Speaker of the House and to the people who are dedicated to serving the people of the province of Ontario. I would hope the proper procedure for this situation would be handled in a manner such that it will not occur again.

### STATEMENTS BY THE MINISTRY

#### SPECIAL EXAMINER'S OFFICE

**Hon. Mr. McMurtry:** I am placing before this assembly the report of Mr. Mendel Green,

QC, which resulted from his review of existing legislation and practices relevant to the office of the special examiner within the judicial district of York. Special examiners conduct certain court-related procedures such as examinations for discovery, cross-examinations on affidavits and examinations of judgment debtors and prepare transcripts of these proceedings.

As a result of a number of concerns expressed about the operation of the offices of special examiners within the judicial district of York, I appointed Mr. Green last October to conduct a full review and assessment of existing legislation and practices relevant to the operation of this part of the litigation process.

Mr. Green concludes that the legal profession is, for the present time, adequately served by the current four special examiners in the judicial district of York. He further concludes on the basis of facts and figures supplied to him by the special examiners and the reporters, that the reporters are being adequately compensated for their efforts. He recommends that the terms of relations between special examiners and freelance reporters be left to the respective parties to negotiate without any government attempt to legislate salaries.

Based on observations with respect to the operation of the offices and on interviews with members of the legal community active in this area, Mr. Green makes a number of specific recommendations for change in the existing system. Some of the proposed changes would require legislation in the form of amendments to the Judicature Act, some could be achieved through amendments to the rules of practice made by the rules committee under the Judicature Act and some could be achieved administratively.

In the latter category, for instance, is the recommendation that financial information from the special examiners' offices be filed annually with the inspector of legal offices and that auditing procedures be undertaken with respect to the billing procedures and other requirements of the tariff in relation to the operation of individual offices. Action has already been taken with respect to this recommendation. Further action of a non-



legislative nature will be undertaken over the next few months. Appropriate legislative responses will be prepared for the fall sitting of the assembly.

#### REPORT ON SALE OF GOODS

**Hon. Mr. McMurtry:** In a few moments I will be tabling the Ontario Law Reform Commission's report on the sale of goods. This three-volume report represents the most ambitious attempt in the Commonwealth to revise the law of sale of goods since the last century. Ontario's Sale Of Goods Act is based on a British statute dating from 1893. Commercial practices have changed dramatically since the 19th century, yet the law has not changed to keep abreast of these developments.

Lawyers practising in the area of commercial law have long recognized the need for reform. This part of the law has frequently been seen as outmoded, inadequate and irrelevant, out of touch with both commercial reality and current legal thinking. Ten years ago the Ontario branch of the Canadian Bar Association endorsed a report recommending that article two of the American uniform commercial code dealing with sales law should be enacted in this province. The bar association recommended this for two reasons: first, in order to revise the current law in the many areas where it is seen to be inadequate. Second, in order to make our sales law uniform with that of the United States, in view of the fact the USA is Canada's closest trading partner.

This recommendation led my predecessor, the Honourable Arthur Wishart, to ask the commission to study the sale of goods. During its research project, the commission has conducted extensive comparative legal research with the assistance of a team of Canadian legal experts as well as empirical studies, conducted with the co-operation of the Canadian Manufacturers' Association, into contemporary selling and purchasing practices, particularly at the manufacturers' level.

The report on the sale of goods represents a comprehensive and meticulous consideration of the issues. The commission makes over 250 recommendations which constitute a root and branch reform of sales law, including amendments or repeals of other related statutes. The commission's general purpose was to revise, reform and modernize the law governing the sale of goods, promote fair dealing, and assist the continued expansion of commercial practices through custom, usage and agreement of the parties.

The report analyses every aspect of the sale of goods. It recommends that the revised

statute apply by analogy to near sale transactions such as contracts for lease of goods or contracts for labour and materials.

The proposals made by the commission would change the present law in many respects. However, they would not radically alter current relationships between buyer and seller. Many of the commission's proposals are based on empirical evidence that there is a wide gulf between the existing law and what many businessmen believe the law to be. Many of the changes simply bring the law in line with current business practices.

Before I highlight some of the major features of the report, I should make it clear that the Sale of Goods Act is general legislation. It makes no special provision for consumers. In Ontario, we already have consumer-oriented legislation, such as the Business Practices Act and the Consumer Protection Act. The report I am tabling today assumes that these statutes will remain and does not contain special rules governing consumer sales.

In order to facilitate discussion, the commission has drafted a bill. This bill is strongly influenced by article two of the American uniform commercial code, but is not a copy of it. The draft bill, like the current Sale of Goods Act, allows most matters to be freely bargained by the parties. In general, once a contract is made, the provisions of the statute apply only in the absence of a specific term in the contract.

One major innovation in the draft bill is a provision empowering a court to review any contract before it in order to determine if the contract is unconscionable. If the court finds that it is unconscionable, the court may refuse to enforce part or all of the contract, rescind the contract or change the contract so as to avoid any unconscionable result. The draft bill also imposes a duty on the parties to act in good faith in the performance of the contract. These two provisions cannot be excluded by agreement. The court then will have explicit powers to police unfair bargains and to impose minimum standards on the parties.

The draft bill expands the remedies available to the parties if there is a breach of contract. An important innovation is the statutory recognition of a long-standing business practice which gives the parties an opportunity to cure, or demand the curing of, most defects within a reasonable time if it would not unreasonably prejudice the other party.

Liability to an ultimate buyer is imposed upon manufacturers or distributors of goods who make representations or promises in any



form relating to goods that are the subject of a contract of sale, if the representations tend to make buyers rely on them in deciding to make purchases. In many cases, an ultimate buyer would be able to take action against a manufacturer or distributor, even though there is no contractual relationship between the parties. The commission also includes in the draft bill for the purposes of discussion, a provision which would allow an ultimate buyer to take action against a manufacturer, distributor or any other prior seller for breach of warranties which were extended to the immediate buyer.

Finally, the bill proposes to remove many of the technical problems which have led to arbitrary results and have made the law difficult to understand and apply. For example, the bill abolishes the significant differences between conditions and warranties, between void and voidable titles and between firm offers with and without consideration. The commission will continue its work in the commercial law area with separate projects on products liability and the general law of contract.

The government intends to give careful consideration to the report. I will be discussing the report with my colleague, the Minister of Consumer and Commercial Relations (Mr. Drea). We would welcome any comments or suggestions which would assist us in evaluating the many recommendations made by the Ontario Law Reform Commission in this very significant study on the sale of goods.

The adoption of the draft bill would result in a legal regime more generally compatible in its operation with that of the United States than our current law. It would thus tend to facilitate US-Ontario trade, but interprovincial sales are also vitally important to Ontario's economy. Since uniformity of law is vitally important for those whose commercial activities extend across Canada, the Ontario Law Reform Commission's report will be referred to the Uniform Law Conference of Canada. We anticipate that the conference will be studying the commission's draft bill with a view to drafting uniform legislation for enactment across Canada.

I regard law reform in this area as being both necessary and vitally important. I welcome the report of the law reform commission and look forward to receiving the comments of the legal profession, the business community and the public upon it.

## EMISSIONS OF TRITIUM

**Hon. Mr. Auld:** Mr. Speaker, I would like to comment on a Canadian Press article as reported in yesterday's *Globe and Mail*. The article in question refers to an Ontario Hydro safety report about a valve failure at its Rolphoton nuclear power generating plant and a report that there was tritium in the turbine room. Because of the unanswered questions raised by the article, I asked Ontario Hydro to comment on the story so I could place it in proper context.

First, on the steam generator leaks in January 1978: January 26, 1978, higher-than-normal levels of tritium were discovered in the turbine room of the station and a station alert was called. The purpose of the alert was to account for personnel and to declare the turbine room off limits to non-essential personnel until the source of tritium had been discovered and the appropriate corrective action taken. Following the alert, the station reactor was shut down and the level of tritium returned to normal within 40 minutes.

[2:15]

The cause of the higher levels of tritium was a leak in the tube in the steam-generating system, which was repaired during the period of the shutdown. The amount of tritium released in the station's effluents as a result of the tube leakage was less than one per cent of the limits set by the Atomic Energy Control Board.

With regard to the valve failure in September 1978, during a regular semi-annual test of the station's emergency light-water injection system, one of the station's two emergency core-cooling systems, Ontario Hydro discovered that a pin forming part of the operating mechanism of an isolating valve was broken and that the valve was partially closed, even though there was no indication that this was the case. The valve is normally in an open position while the station reactor is at high power and in a closed position when the station reactor is in a cooled, shutdown stage. If the valve is in a closed position when the station reactor is still at high power, the emergency light-water injection would not be available in the event of loss of the normal fuel-cooling system. It is not possible to determine when the pin broke or how long, if at all, the valve was in a partially closed position while the reactor was operating at high power.

Ontario Hydro tested this system in early 1978 and found no problems. However, for whatever period the pin was broken, the station's other emergency core-cooling system



was available to provide emergency cooling, if it had been needed. Repairs have been made and new procedures have been instituted to inhibit similar problems in the future and to ensure their prompt detection, if they do occur.

On the steam generator and fuel channel closure plug leaks in March 1979: In September 1978 slightly higher-than-normal levels of tritium were discovered in the station's feed-water system. Upon subsequent investigation, Ontario Hydro discovered that this was caused by a small leak in the station's steam generator. As the leak did not constitute a hazard or cause the level of tritium in the stations effluents to exceed one per cent of the limits set by the control board, Ontario Hydro, with the concurrence of the control board, decided to continue operating the station until its next regularly scheduled maintenance shutdown.

In March 1979, heavy water began leaking from a fuel channel closure plug. All attempts to stop the leak while the station was operating were unsuccessful. Although the leak did not constitute a hazard and Ontario Hydro was able to recover and reuse the heavy water, Hydro decided to advance the date of its next regularly scheduled maintenance shutdown by about three weeks. During this shutdown, Ontario Hydro repaired the leak and carried out its planned maintenance activities, which included inspection and repair of the leak in the steam generator which had been discovered in September 1978.

As members will recall, on June 11 I made a statement in this House concerning emissions of tritium from Ontario Hydro's nuclear generating stations. Attached to that statement was a table outlining the emissions of tritium in the airborne and water effluents of Rolphton since 1973. Members will note that at no time during the period 1973 to date did the level of the emissions reach one per cent of the limits set by the control board.

I will be speaking later this evening on other matters involving the Rolphton plant, but I think I should place in the proper context the article which appeared in yesterday's *Globe and Mail*.

## ORAL QUESTIONS

### USE OF HERBICIDES AND PESTICIDES

**Mr. S. Smith:** I would direct the question to the Minister of the Environment following up on the discussion regarding 2,4-D spraying. Is the minister aware that in Halton the spraying of school yards with 2,4-D is con-

tinuing because Halton's education director feels this is not a matter for local autonomy? I would read to the minister a quote from the Burlington edition of the *Hamilton Spectator*. It says that "he would not order a stop of the program unless the Environment Ministry advises against it. 'It is a matter of science and I am no scientist. It is their decision; it is not for me to rule it in or out.'"

Therefore, in view of the fact that local school boards clearly do not feel they have the expertise to make these decisions, will the minister now change his rather indefensible position and agree to give advice from the ministry as to whether 2,4-D spraying should or should not be continued? At the very least, would he accept the suggestion of my colleague from Kitchener-Wilmot (Mr. Sweeney) that no spraying occur when children are present in the school?

**Mr. Swart:** It's nice to see you following our leader.

**Mr. Peterson:** None of you guys follow him.

**Hon. Mr. Parrott:** Mr. Speaker, I guess I pre-empted the Leader of the Opposition on this occasion. I have already had a letter drafted, which I believe is in the mails, to all of the school boards of Ontario, not telling them they cannot use it, but enclosing and outlining to them the guidelines for the proper application of 2,4-D.

Since the honourable member also did a little research since the last day, perhaps I might read into the record a little research we did. I will be glad to supply the date. It says: "The Liberal Party is firmly committed to the principle of local autonomy. Municipalities should play a meaningful role in governing themselves."

**Mr. Breithaupt:** What's that got to do with the question?

**Mr. Peterson:** What has spraying kids got to do with that answer?

**Hon. Mr. Parrott:** I think that has a great deal to do with what we are talking about.

**Mr. Peterson:** You are deteriorating.

**Mr. Speaker:** Can we please have some order? I cannot hear the answer.

**Mr. Breithaupt:** The minister is being provocative.

**Hon. Mr. Parrott:** Yes, I am being provocative. I have to agree with whomever said that. I cannot argue with that. Now that I know the Liberal Party is so committed to local autonomy, I hope it will follow up on that and put its money where its mouth is, or the reverse—whichever.



As I said yesterday, there is no doubt about this—

**Mr. Ruston:** The minister is in a bad way and he is trying to squirm out of it.

**Hon. Mr. Parrott:** That is the honourable member's opinion; I do not share it.

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, I do not know whether they are interested in the reply or not. I am having a great deal of trouble.

**Mr. Speaker:** A new question.

**Mr. Kerrio:** I think the minister should sit down and start over again.

**Hon. Mr. Parrott:** If the honourable member will shut up, I will be glad to say something. Is the member for Niagara Falls ready to be quiet and listen?

**Mr. Kerrio:** For the first time in my life.

**Hon. Mr. Parrott:** Thank you. That is a pleasure. May I then finish the response?

As I said the day before yesterday in the House, having arranged this matter at the council meeting in Kelowna, we do know that every single province agrees with the use of 2,4-D. I think that is known and agreed upon by the scientific minds of Canada.

I think we also know the material must be applied properly. The Ministry of the Environment has established some very strong guidelines for the proper application of 2,4-D. Once that is done and well known and well published, which it is, then to ask for a banning of a material on a very small area where children would be exposed is not a very logical position to take.

**Mr. Sweeney:** Only while the kids are there.

**Hon. Mr. Parrott:** Of course, that is part of the guidelines. The member for Kitchener-Wilmot really should know that.

**Mr. Sweeney:** That's all we are asking for.

**Hon. Mr. Parrott:** That is part of the guidelines. The commitment I made to this House and which I want to restate is that if there is a violation of the guidelines and an injury either to persons or to foliage results from the poor application of the material, it is our responsibility, which we will gladly take, to enforce the guidelines and to take the necessary court action to prosecute.

**Mr. Wildman:** Didn't you ever hear of preventive care?

**Hon. Mr. Parrott:** Our responsibility on this issue is very clear to me. We have established the safety on a national basis; we have established the guidelines for its proper

application; we have accepted the responsibility for any violations to those guidelines.

**Mr. S. Smith:** That is a long answer.

**Hon. Mr. Parrott:** Mr. Speaker, I think I have that privilege. Since it is reasonably well known that the major area of concern would be contact with small children, if we banned it only on the schoolyards and did not ban it in city parks and for home use, I think we would really have banned only a very small portion of it and not the effective portion of it.

I have tried to indicate as strongly as I could that the guidelines should be followed. It is important that they are. If they aren't, obviously people are going to suffer either from allergies or from direct contact. That is just not the way it should be applied.

I hope the people will take the opportunity to read our guidelines and I am glad the issue was raised for that very reason. It gives us a chance to give publicity to the guidelines we have established for the safety of citizens, including farmers who apply such vast quantities of it, because all of our people should know how to apply and use any chemical, particularly in the instance of 2,4-D.

**Mr. S. Smith:** That was a very long answer, good heavens. By way of supplementary: I take it the minister has finally climbed part way down from his so-called municipal autonomy horse—

**Hon. Mr. Parrott:** No, it's yours not mine.

**Mr. S. Smith:** —and has accepted that even if 2,4-D is not a proved carcinogen, even if he is right that it isn't—and I tend to agree it is not a proved carcinogen—the minister surely understands it might be a health hazard and spraying dandelions in the presence of children is not reasonable.

Given the fact the Halton school board director, who seems to be a fairly well-known individual, says he wants guidance from the ministry—not just guidelines, he wants a rule from the ministry—why doesn't the minister simply make a rule very clearly that 2,4-D should not be used when children are in the school?

**Hon. Mr. Parrott:** That rule is made.

**Mr. S. Smith:** Surely nothing could be simpler than that? Why is the minister reading out statements about municipal autonomy and other nonsense of that kind?

**Hon. Mr. Parrott:** Let me try to put it in the simplest of language for the leader of the Liberal Party. The rule he asked for has been made; it is called a guideline. Let me put it very simply: if those who are responsible for spraying and applying break the rule, they will be prosecuted.



**Mr. Wildman:** And people will get sick.

**Hon. Mr. Parrott:** Mr. Speaker, through you to the leader of the Liberal Party—

Interjections.

**Hon. Mr. Parrott:** —I am trying to respond in kind. The letter has gone to the boards.

Interjections.

**Mr. S. Smith:** Be proud of the fact you changed your mind, Harry.

**Hon. Mr. Parrott:** Let me say, Mr. Speaker, through you to the member, if I had to change my mind to agree with the leader of the Liberal Party, I know I would be wrong.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Since the minister now says if the guidelines for spraying 2,4-D in schoolyards are broken the ministry will prosecute, can the minister explain why there has apparently been no action at all against the Northumberland and Newcastle school boards, despite the fact there was clear evidence they were violating the guidelines early in June by spraying schoolyards in that part of the province? If the ministry did not issue a stop order and did not launch a prosecution against the spraying of schoolyards in that particular case, what confidence can we have in this House that the ministry is going to launch such prosecutions if there are future violations?

**Hon. Mr. Parrott:** When this question was raised the other day the member suggested he had the evidence for us, and I am still waiting to receive it. Apparently, there has been no substantiation of his research department that 20 children were seriously ill as a result of spraying. If there is substantiation, he certainly hasn't done us the courtesy of sending it over.

We are aware of some contact allergies, but not of the charges the member raised the other day. I guess I have to ask: Is the member going to furnish us with that information, or was it just a misleading piece of information he put on the record of the House?

**Mr. B. Newman:** May I ask if the minister is aware that when the original question was asked, I asked a supplementary concerning an association between 2,4-D and Reyes syndrome? If 2,4-D is not carcinogenic and is not harmful in any effect, has the minister checked on the emulsifier that is used? Apparently, a team of doctors in Halifax back in 1976 indicated there could be an association between Reyes syndrome and the emulsifier used to spray the chemical.

[2:30]

**Hon. Mr. Parrott:** I did have that the other day when the question was asked, Mr. Speaker, and I neglected at that time to

answer the second portion of the question asked of the Premier (Mr. Davis).

The information I have here is as follows: There is no relationship between the herbicide 2,4-D and Reyes syndrome. A careful review of the scientific literature provides no basis or indication that 2,4-D is linked to Reyes syndrome.

Neither the member nor myself are scientists, able to judge that. I have to depend on the best advice that I can get from my advisory committee. Therefore, I reply in that way.

**Mr. Kennedy:** Mr. Speaker, a supplementary to the minister: Would he explain if the guidelines, or his letter explains to the board that contact with the pesticide shortly after an application could be hazardous to children? Is this explained either in his letter or the guidelines, or both?

**Hon. Mr. Parrott:** I should give the member who asked that question credit for this suggestion. He approached me in the House on Tuesday last and asked if it wouldn't be wise to send out a fact sheet. It was his suggestion that brought that forward and resulted in the action we took.

I'll be glad to send the member—because I know of his genuine interest—the fact sheet and a copy of the letter we have sent to the board. I think he'll find it will be quite self-explanatory and explained in detail. Again, I want to thank the member for making that suggestion last Tuesday.

**Mr. Cassidy:** On a point of privilege, Mr. Speaker: The minister just imputed motives and also suggested that information I had given this Legislature was misleading. I ask him to withdraw those statements.

Early in June I suggested the spraying guidelines were being violated because spraying was taking place in winds of more than seven miles an hour—in fact, in 25-mile-an-hour winds—and while children were present in the schoolyard. If the minister thinks that information is misleading, it seems to me he should bring clear evidence into the House or else launch a prosecution in that case, since he's promised to take vigorous action.

**Hon. Mr. Parrott:** Mr. Speaker, that wasn't the reference. The reference was to the 20 children who were ill. We readily admit the winds on that day were above the guideline figures, but the point is this—

**Mr. Cassidy:** Are you prosecuting?

**Hon. Mr. Parrott:** You can't violate on spraying if you spray at a time when the winds are about 15 miles per hour, Mr. Speaker. You have to collect the evidence



to prove harm resulted because of spraying in conditions such as those indicated.

**Mr. Cassidy:** Why don't you enforce the law?

**Hon. Mr. Parrott:** There is no law that says you can't spray when the winds are 15 miles an hour—

**Mr. Wildman:** You're saying people have to get sick before you can prosecute.

**Hon. Mr. Parrott:** —but if you do spray and you have broken the guidelines there is prima facie evidence to suggest that you applied the spray improperly.

**Mr. Cassidy:** The guidelines are a dead letter then.

**Hon. Mr. Parrott:** And it's on the production of evidence that harm resulted and that the wind factor was above the guidelines—

**Mr. S. Smith:** Oh, for heaven's sake. It might take 20 years to develop a cancer.

**Hon. Mr. Parrott:** —that we take the person to court, and we'll do so. In this instance—

**Mr. Speaker:** Order. The minister has surely gone far astray of what the other member alleged to have been a point of privilege.

**Mr. S. Smith:** He's also given two separate stories.

#### FLUORIDE POISONING

**Mr. S. Smith:** Another question to the Minister of the Environment on the subject of fluoride poisoning on Cornwall Island. Is the minister able to table in this House the results of testing done at the two stations on the mainland, as well as the four stations on Cornwall Island, regarding the amount of fluoride which is being transmitted there because of the emissions from Reynolds Aluminum Company of Canada Limited?

Can he confirm that these have been in excess of the Ontario standards for some time, including some of the stations on the mainland? Has he any test results with regard to the children living in Cornwall and area on the mainland, to see whether they have been exposed to excessively high fluoride concentrations and whether there are effects on their teeth? Such has now been reported in the Indian band, which I understand is a federal matter.

**Hon. Mr. Parrott:** I think most of this falls within the jurisdiction of the federal government. As a matter of fact I know that Environment Canada is now investigating, and since the first ill effects were seen on the reserve, of course that too will be dealt with by the federal government.

With reference to the information that might be pertinent to the town of Cornwall, either through the results obtained from Environment Canada or from our own monitoring stations, we will in due course provide that information.

**Mr. S. Smith:** I'm surprised, Mr. Speaker, that the minister is not aware, as I am, of the fact that his own stations have been indicating high levels above provincial guidelines for some time now. What I want to know is, in view of these high levels why has the minister not informed himself of these matters and why have he or his colleague the Minister of Health (Mr. Timbrell) not undertaken tests of the children in the Cornwall area to find out whether they might be suffering some of the same early symptoms of excessive fluoride as Indian children on the island are apparently already suffering? Accepting that the Indian children at the moment are a federal responsibility, surely the minister recognizes his responsibility for children on the mainland?

**Hon. Mr. Parrott:** It wasn't a matter of whether or not I was informed, Mr. Speaker, as the member suggested, it was a matter of whether I had that information in the form that I could relate to the leader today. I don't. We've asked for that information, and as I said it will be forthcoming in the near future; but I don't have that information here today.

**Mr. Samis:** Would the minister report to the House what representation he's made to the federal authorities prior to and since the publication of the alarming reports by Dr. Krook and Dr. Burns this week, and Drs. Cornow and Conibear last year. This problem is certainly not an obviously new problem in the Cornwall area?

Secondly, could he also explain, or attempt to explain, the vast difference in tolerable emission levels between New York state and Ontario? I believe the ratio was 13 to one according to the Toronto Star yesterday. Could he explain how two jurisdictions, side by side, can have such a tremendous difference in their tolerance levels?

**Hon. Mr. Parrott:** Certainly the staffs of our ministry and Environment Canada have been in touch on this, both prior to the latest press reports on it and now. I can only say, as I did to the Leader of the Liberal Party, that we will be prepared to include all of that in the report I've asked for and which will be forthcoming. I don't have it today, but I'll include the reply to the question the member has asked at the time I provide an overall response.



**Mr. Gaunt:** A supplementary: Since it's obvious the ministry has not requested any testing of the children, will the ministry request that the Ministry of Health do the testing when the information to which the minister alluded has been collected?

**Hon. Mr. Parrott:** I don't think the first part of that question is correct. I've asked for a report, but I'm not prepared, prior to having all of that on my desk, to assume that any of the statements today were correct or incorrect. I frankly do not know at this moment in time, personally, all that we have done. I know there has been a lot of contact between staff. I want to know how much action that has resulted in and what our responsibilities are. That will be forthcoming shortly.

Having said that, there is nothing more I can say, Mr. Speaker, but to undertake to report back in the detail for which the members are asking. I shall be happy to do that.

**Mr. S. Smith:** The minister doesn't know, obviously.

#### GOVERNMENT PURCHASING

**Mr. Cassidy:** I have another question for the Minister of Industry and Tourism about the government's purchasing policy.

Is the minister aware there is a wholly-Canadian company called Microfilm Recording Company Limited, which makes 6,000 microfiche readers per year here in Toronto which are cheaper and equivalent in quality to the multinational competitor's but has been able to sell to only three ministries in the government of Ontario, and that only after complaining to the Premier (Mr. Davis) himself? Can the minister say why the government continues to buy from multinationals like Kodak in procuring its microfiche readers rather than supporting a Canadian company with an equivalent and cheaper product?

**Hon. Mr. Grossman:** Of course as I would have hoped we somewhat agreed last week when the member raised a similar issue, it would probably be productive of better discussion on the floor of this House if the member might provide me with the particular cases he wants to question us about and I'll contact the ministry involved and provide him with all the details he'd like. If he provides me with the details of the three contracts we're talking about, or those he says have been refused, I'll be pleased to provide that information to him. There are no secrets with us.

**Mr. Cassidy:** Supplementary: Is the minister aware that this particular company, Microfilm Recording, has been able to get itself

on the tenders lists of only two ministries in the government and therefore have automatic consideration for purchases of these readers from only those two particular ministries? Isn't that a crucial step in allowing a Canadian company with a high technology product to gain access to business from the government of Ontario? What steps will the government take to make sure that Canadian companies like this one can in fact get their products on the list so that they will be automatically considered when the government's doing its buying?

**Hon. Mr. Grossman:** I should tell the member that for me to stand here and pretend that every product made in this province automatically qualifies and fits the equipment being used by every ministry would be foolish of me. Obviously, different ministries have over the years developed needs for different products and different processes. I would hope that over a period of time, as equipment comes up to be repurchased and remodelled, we might be able to develop some standard usages which will allow all companies to participate in our programs.

I would point out to the leader of the third party that I have recently had occasion to correspond with my colleague, the Chairman of Management Board (Mr. McCague)—partly at the request of that company I might add—and as a result I believe the member will now find that Management Board is specifying on its tender calls that Canadian companies supplying microfiche are the companies which will get first and primary opportunity to bid. I'll be pleased to get that updated information and provide it to the member tomorrow morning.

I really have to repeat the specific point that if the member wants to discuss any specific purchasing policy or contract, in order for this conversation to be meaningful he might provide me with those details and tomorrow, if possible, I'll provide the details I'm referring to.

**Mr. Eakins:** Supplementary: In regard to government purchasing, why does the minister not guarantee a percentage of government purchasing to the small-business sector? Is it because, unlike his federal counterpart, he does not have a definition for the small-business sector? Why does he not guarantee small-business operators a percentage of government purchasing?

**Hon. Mr. Grossman:** I think the member will find that the percentage of small-business purchases by this government far exceeds the percentage that any other government has.



**Mr. S. Smith:** Table it. You don't know what your percentage is.

**Mr. Eakins:** You don't even have a definition.

**Hon. Mr. Grossman:** The member for Victoria-Haliburton suggests we don't even have a definition, and I'm happy to make him a deal: If he provides me with whatever definition he wants to use for small businesses, I'll bet him he will find that, under whatever definitions he wants to draw, this government still far outstrips any other government in its direct purchasing from small business.

**Mr. S. Smith:** Table it in this session.

**Hon. Mr. Grossman:** Accept the challenge, draw up the definitions and we'll see who's right.

**Mr. Eakins:** I will be tabling my definition this afternoon. You table yours.

**Mr. Cassidy:** Supplementary: While we welcome the evidence of some movement from the Minister of Industry and Tourism, we're concerned over the fact that it only seems to come when we raise questions here in the Legislature and not as an automatic result of the carrying through of the policy to buy Canadian by the government.

**Mr. Speaker:** Question?

**Mr. Cassidy:** I'd like to ask the minister specifically whether he's aware that in the case of this product the government of Ontario specifications name multinational companies' products, Bell and Howell or equivalent or Kodak or equivalent? Will the minister undertake that all such specifications, which effectively prejudice the final purchase in favour of a foreign-manufactured product, be removed from the specifications that are issued by the government of Ontario so that Canadian companies will not be discriminated against?

**Hon. Mr. Grossman:** I have nothing to add to the answers I've previously given.

**Hon. Mr. Davis:** A lot of people work for Kodak in my riding.

**Mr. Cassidy:** Kodak imports all of those products.

#### HOME INSULATION PROGRAM

**Mr. Cassidy:** I have a question to the Minister of Energy. In the light of the growing risk of oil shortages right here in this province, can the minister say when the government intends to implement that 1977 election promise that the government made for \$100 million worth of low interest loans for home insulation in Ontario?

[2:45]

**Hon. Mr. Auld:** Mr. Speaker, I think that question has been answered by at least one of my predecessors, as well as by me.

**An hon. member:** Let's hear today's version.

**Hon. Mr. Auld:** As I recall, the last time I indicated that since the government of Canada had introduced its Canadian Home Insulation Program we felt there was not a need to go ahead with the suggestion as far as the government was concerned. I think I also indicated that one or two of the companies distributing gas in Ontario had a pilot project of loans which had not been very successful.

**Mr. Cassidy:** Supplementary: Is the minister not aware that if Ontario were to provide a lead in terms of making sure this program extended to every household for re-insulation of homes across the province it could save us about 266 million gallons of heating oil a year, it could create about 6,000 jobs in Ontario and it would help the average home owner to save more than \$200 on his or her fuel bill every year? Isn't it better to have that kind of program than for the government to sit back and do nothing about conserving energy through insulation?

**Hon. Mr. Auld:** We are not doing nothing about encouraging the conservation of energy. As a matter of fact, we were the first to take steps by removing the provincial sales tax on insulating materials and allied products. From what the honourable member has just said, it must be self-evident to anybody that under some conditions it is a great economic advantage to them to add insulation or to re-insulate—to fit insulation retroactively—but that does not apply in all cases. I think the approach we are taking certainly seems to be having benefits and effects, at least from what I have read about the sales of insulation.

**Mr. J. Reed:** If the ministry is as concerned about the conservation of energy as the minister appears to imply, is there any substance to the recent report of the Ontario Municipal Electric Association, which suggests the conservation effort by Ontario Hydro, the "turn-off" campaign, will be downplayed from now on?

**Hon. Mr. Auld:** Not that I'm aware of, although it may well be there were some comments about the program which were not entirely complimentary, not about the purpose but about the approach or some of the approaches.

**Hon. Mr. Davis:** You object to some of the performances, Julian?

**Mr. Kerrio:** It's affecting the projections.



**Hon. Mr. Auld:** I wouldn't be surprised to see a slight change in the approach to the campaign, but as far as I know Hydro is still planning to continue promoting conservation of electrical energy.

**Mr. Cassidy:** Since a speech by the minister's parliamentary assistant back in May indicated there has been economic analysis carried out by the government on the possibility of a home insulation program, will the minister undertake to table the economic analysis which has been carried out by the ministry, and will he say in this House whether or not that analysis justifies what he has been saying in this House or whether in fact that analysis doesn't justify going forward with a program that would create jobs and help home owners save hundreds of dollars in fuel bills every year?

**Hon. Mr. Auld:** I will be delighted to get the analysis and table it.

#### TOURISM

**Hon. Mr. Grossman:** Mr. Speaker, I wish to respond to a question raised by my friend the member for Victoria-Haliburton (Mr. Eakins) about Gray Coach tours to Niagara Falls which offer accommodation only on the United States side of the falls.

In 1978, Gray Coach underwrote a southern Ontario tour which included accommodation in Niagara Falls, Ontario. The arrangements were not, in the opinion of the company, entirely satisfactory, with previously agreed-upon accommodation unavailable for one tour. This year the Ramada Inn has proposed an accommodation package which guarantees good facilities in Niagara Falls, New York, at a reasonable cost.

In a letter to the president and chief executive officer of Gray Coach, I have informed him that in our opinion the use of accommodation on the United States side of Niagara Falls is extremely hard to justify. I have also asked him to restructure their package as soon as possible to incorporate accommodation on the Ontario side. Gray Coach has indicated it is most interested in discussing with any hoteliers in Niagara Falls, Ontario, either as a group or individually, proposals regarding tours in which they might wish to participate.

The tourist division of my ministry will assist Gray Coach in working with the Niagara Falls Resort and Tourist Association to ensure those proposals are forthcoming and that Canadian accommodation is offered for future tours in this area.

**Mr. Eakins:** I thought for a minute it was the minister's definition of small business.

#### MINISTRY HIRING

**Mr. Eakins:** I have a question for the Minister of Industry and Tourism. Following my question on May 4, regarding the necessity of going outside his ministry to have his friends fill the top positions in the reorganization rather than promoting some of the excellent people who worked long and hard for his predecessor, could the minister now tell us how much it has cost the ministry in terms of demotions in directors' and managers' positions, first in salary and, secondly, in outside settlements for those who have left the ministry entirely?

**Hon. Mr. Grossman:** In response to that question, I have been trying to tabulate those figures and I hope to have them for tomorrow morning.

**Mr. Peterson:** Would you look into Marvin Shore's case?

**Hon. Mr. Davis:** He used to speak highly of you.

**Mr. Eakins:** Supplementary: Since it was deemed so important to obtain from outside the civil service a director for the small business section, namely, a Mr. John Laschinger, is it not more important that he be here doing that job rather than in Newfoundland running the PC election campaign? Further, is it not against the spirit of the Public Service Act that he be engaged in political activity in this manner, especially since the announcement of his appointment was made by the Chairman of the Civil Service Commission and appeared in the June issue of *Topical*?

**Hon. Mr. Grossman:** If the member would read the entire portion of that announcement, he will find that his appointment takes effect on the third or fourth week in this month. What he is doing before the job begins is his business, not mine.

**Mr. Ruston:** Tory friends.

#### LAURENTIAN HOSPITAL

**Mr. Germa:** My question is to the Minister of Labour. It arises out of an incident in the Laurentian Hospital in Sudbury when a hospital worker was injured and placed on Workmen's Compensation Board benefits. When the administrator of the hospital, Mr. Jean-Paul Lebel, didn't agree with the Workmen's Compensation Board, he did admit to taking hospital funds to hire a private eye to trail this injured worker.

Does a worker not suffer enough harassment through a Workmen's Compensation Board investigator? What can the minister do to protect injured workers from this further harassment by a hospital administrator?



**Hon. Mr. Davis:** What's a private eye?

**Hon. Mr. Elgie:** I wish I had the information on hand to respond immediately. That is an allegation which is disturbing. I trust the member will understand if I ask to have time to look into it and report back to him.

**Mr. Germa:** Supplementary: Could the minister advise all hospital administrators that there is a correct and proper procedure for appealing Workmen's Compensation Board decisions? Setting aside the waste of medical dollars, does the minister think this is the proper attitude he should be taking?

**Hon. Mr. Elgie:** If that is indeed a practice of hospital administrators, it is something I will have to look into and deal with. I will be glad to investigate it and report to the member.

### DREDGING CASE

**Mr. Nixon:** Mr. Speaker, I have a question of the Premier. If he really must leave, I can direct it to the Attorney General (Mr. McMurtry).

Now that the defendants in the dredging trial, the longest trial, I guess, in the history of jurisprudence in Canada, have been convicted and sentenced, will the Premier make public and lay on the table the report of Mr. Campbell Grant, which was commissioned by the Premier's office two or three years ago, having to do with certain allegations which have never been made public, which evidently formed part of the evidence in that trial?

**Hon. Mr. Davis:** Mr. Speaker, the honourable member is well aware that I made a statement relative to this matter some time ago, indicating I was not only prepared but anxious to table this report from Mr. Justice Campbell Grant.

**Mr. S. Smith:** The former justice. He was no longer in court when he did the report. Let's be clear on that.

**Hon. Mr. Davis:** The former Mr. Justice Campbell Grant. I have discussed this matter with the Attorney General, and his advice, and that from his senior law officers, is that pending the appeals, where the appeal is a matter of both fact and law, it would not be proper so to do.

**Mr. Nixon:** Supplementary: The matter was raised with the Attorney General a few days ago and he said: "Upon the completion of the sentencing procedure then the matter would not be considered sub judice." I can remember very clearly the Premier, in a previous exchange a long time ago, indicating how anxious he was that the matter be

set straight. I recall certain other things he said at the time. I would simply ask him to reconsider the matter. It appears the matter of sub judice during this lengthy trial should, in the interests of the Premier and of us all, be set aside so that the matter can at least be made public in connection with those persons named.

**Hon. Mr. Davis:** The honourable member is quite right. I am and have been quite anxious to table the former justice Campbell Grant's report. I have discussed this and perhaps the Attorney General might have some further comment. However, the advice he has received and I in turn have received from him is that in the interests of the administration of justice in this province and the people involved in this situation it is not the appropriate thing to do.

**Mr. Nixon:** Mr. Speaker, would you permit me to ask a supplementary question to the Attorney General? Does he recall saying on May 7 this year, "The dredging trial is not concluded. The accused who have been convicted, the companies, will be before the court for sentence on June 4. I have no further comment."

### CONTINUOUS COLOUR COAT LIMITED

**Mr. Philip:** I have a question of the Minister of the Environment concerning the emissions from Continuous Colour Coat Limited in Rexdale. Now that the minister has decided not to grant the extension of the voluntary abatement program requested by the company, and has served notice of intent to issue a control order requiring installation of effective pollution abatement equipment by September 30, which is to be completely operational by December 31, will the minister assure the House his ministry will take steps to prosecute the company if it does not meet these new deadlines?

**Hon. Mr. Parrott:** In one very simple word, yes. I've said on many occasions since I've been in this portfolio, and I'm glad to repeat it very briefly, Mr. Speaker, that it's important to set realistic and practical control orders, and, second, to enforce them, period.

**Mr. Philip:** By way of supplementary, since the minister has yet to make public a list of the precise contents or compositions of the 11 different solvents and the 15 coatings used at the plant, can the minister at this time table the specific details of what is being emitted? In particular, can he inform us whether or not there is any lead or lead compounds being used? The minister will no doubt agree this information would be



very useful to the residents in the area should they ever decide to take legal action against the company because of health problems. It also would be useful for employees of the company should they have to appear before the Workmen's Compensation Board following an illness related to the chemicals that were used.

**Hon. Mr. Parrott:** With reference to the latter part of the question, I think there's no problem with giving that information as it relates to lead. However, with the combinations and permutations possible with that large number of compounds the honourable member spoke of, one of the problems we are having is to determine the emission because of the tremendous number of permutations. It's proving to be a very difficult technical problem for us to solve. Certainly we think the control order will go a long ways towards that portion of it, but to put all of the emissions on the record for the honourable member is proving to be very difficult. However, for lead, yes, we're more than prepared to do that for him, it's a much easier technological problem.

#### CANCER INSURANCE

**Mr. Breithaupt:** I have a question of the Minister of Consumer and Commercial Relations with respect to cancer insurance. Are any insurance companies offering in Ontario policies with particular reference to cancer endorsements?

[3:00]

**Hon. Mr. Drea:** Mr. Speaker, I believe there are two that are offering it here, but bear in mind it is not the same as in the United States. It is only for supplementary coverage. You can't cover anything that is insured under OHIP. There have been no complaints. The same types of merchandising are not used, but none the less we are still taking a look at it.

**Mr. Breithaupt:** Supplementary: Will the minister direct the superintendent of insurance to monitor any proposed changes in the sales of such policies so that the public fears and concerns about cancer and the X-ray and other nuclear radiation matters that have come to our attention recently are not improperly exploited by any hard-sell tactics of certain insurance companies?

**Hon. Mr. Drea:** Mr. Speaker, I think you can take it as assured that we are watching the two of them like a hawk every day of the week, and we have been for some time.

#### MOOSE HUNTING

**Mr. Foulds:** I have a question for the Minister of Natural Resources. Is the minister

aware of statements by a senior conservation officer in northwestern Ontario that 70 per cent of the moose killed between Lake Nipigon and the Manitoba border are killed illegally through the use of aircraft?

**Hon. Mr. Auld:** If that's a statement attributed to one of the conservation officers a year ago, I recall that, yes.

**Mr. Foulds:** Supplementary: What action has the ministry taken to ensure that is reduced substantially? Has the minister added conservation officers to cover that region, and has he prosecuted and confiscated equipment when he has had instances of illegal use of aircraft brought to his attention?

**Hon. Mr. Auld:** Mr. Speaker, I think last year I answered a similar question as to what we were doing about it and also expanded somewhat on what the conservation officer indicated he meant; which didn't, as I recall, come out quite the way he meant in the press, at least from what he indicated to us. As I am sure the honourable member is aware, there are such things as shooting game from aircraft, seeing them as you fly over, or going around looking for them and then telling people where they are.

As to what we are doing, we are attempting to enforce the Game and Fish Act. We have had one prosecution in provincial court in Kenora which has resulted in a maximum fine of \$1,000 to one person charged and a fine of \$500 to another. There are two aircraft presently under seizure. I understand, however, that the 30 days for an appeal has not yet elapsed, so I really can't say what the next step will be.

**Mr. Foulds:** Supplementary: Would the minister not agree that the basic problem is that he does not have enough conservation officers; and secondly, in the cases that he has just cited before the court, could he make it clear that the appeal goes to him, the minister, does it not? Oh, he means the court appeal rather than the appeal about the confiscation?

**Hon. Mr. Auld:** That's right.

**Mr. Foulds:** I would like to ask the minister what is his attitude towards his discretionary authority about the confiscation of the equipment used in the incidents?

**Hon. Mr. Auld:** Mr. Speaker, that will be quite clear once the court procedures have been completed. If there is an appeal, then we will know after the appeal; if there isn't, we will know when the 30-day period has expired.



### USE OF MATACIL

**Hon. Mr. Auld:** Mr. Speaker, I have the answer to a previous question by the same member. I believe on Tuesday the member was asking me about spruce budworm spraying in the Geraldton district, and what steps we have taken to notify the public and to ensure that people were not in the spray area. The district office prepared and put out a news release on the spray project to the local papers in Kirkland Lake, Timmins and Iroquois Falls on May 15. Mining recorders were fully briefed on the project in case prospectors were in the area, although as members will realize prospectors don't always tell people where they are prospecting.

District personnel are currently carrying out daily air surveillance of the area before any spraying takes place during the day to see there aren't people in the spray areas. There was a public information session held in Long Lac on May 25 which lasted some six hours, and ministry staff were there to answer questions and provide information.

There is no road access in the actual area being sprayed. There is one tourist outfitter close to it. He has been well informed, because some of the ministry staff involved in the spraying are staying at his facility. I think it is fair to say everybody in the area who has had any interest would be informed, and the area which is being sprayed is a long way from any communities.

**Mr. Foulds:** Supplementary: Could the minister tell us how many days of spraying he expects the ministry to be doing, both in the Geraldton district and the Kirkland Lake district?

**Hon. Mr. Auld:** I can't say because it will really depend on the weather. We don't spray in high winds, and obviously if there are poor flying conditions as far as visibility and so on is concerned then we don't fly, or at least the contracted aircraft don't fly. I would think if conditions are ideal two, or at the most three days, would be sufficient.

We were somewhat delayed in the Kirkland Lake area. There were two aircraft involved in the spraying and one of them had a crash yesterday. I don't know how much damage was done to the aircraft, but I understand the pilot is in hospital with a strained back. I believe another aircraft has been dispatched by the contractor to fill in, so there shouldn't be any excessive length of time involved.

### USE OF GOVERNMENT COMPUTERS

**Mr. Van Horne:** Mr. Speaker, a question to the Premier: Are the government computers used by the riding associations of govern-

ment members or cabinet for constituency mailing lists or party supporter lists?

**Hon. Mr. Davis:** I haven't the foggiest idea, but I will be delighted to find out.

**Mr. Van Horne:** Supplementary: I, personally, have been trying to find out from the Premier's staff and they weren't able to answer, so I would appreciate the answer. If they are being used, what is the fee for service?

### DISPOSAL OF HAZARDOUS WASTES

**Ms. Bryden:** Mr. Speaker, I have a question for the Minister of the Environment. Recently, the operator of a furniture stripping business in my riding was ordered by the city authorities to dispose of four 45-gallon drums of stripping fluid, which is highly dangerous and volatile, because the storage facilities had been damaged by fire. He was unable to find a single firm in the entire Metro area which could handle this problem for him.

I would like to ask when is the minister going to ensure adequate disposal facilities for hazardous liquid waste in the Metro area are established so wastes of this kind are not dumped illegally or do not have to be trucked long distances with dangers of spills, and high costs as well?

**Hon. Mr. Parrott:** I certainly hope they aren't being dumped illegally now. Again, if the member thinks they are I wish she would give us that information. We will establish those sites as soon as possible; I think the member probably is well aware of the efforts being made to establish sites. The member should also be aware of the responsibility of industry to do so. It is now possible to have many of the hazards treated here in Ontario. It is also possible to send them to other jurisdictions, but most of our wastes can be treated here in Ontario.

We will never have enough sites so all of our liquids can be handled without travelling some distance. That is not something the member should look forward to, it doesn't make sense to do so.

**Ms. Bryden:** Supplementary: Can the minister tell us exactly how many sites there are in Ontario that could handle this kind of waste?

**Hon. Mr. Parrott:** I would like to be sure of what that waste is. I know the honourable member gave it to me, and I will supply that information. There are several sites available, but not all can handle all the various liquids. So I would have to check with my staff and get back to the honourable member.



### REGIONAL MUNICIPALITY HEADQUARTERS

**Mr. Bradley:** I have a question of the Minister of Intergovernmental Affairs, if he is still available. The question relates to the construction of new regional government headquarters in various municipalities that have regional governments. In light of the fact the provincial government has espoused the cause of financial restraint and has encouraged municipalities to practice financial restraint, would the minister feel it wise for any of those regional municipalities that do not now have a regional headquarters to embark upon a multi-million-dollar building program in order that they might have a new regional headquarters, with one would presume expanded staff and facilities at an additional cost to the taxpayer?

**Hon. Mr. Wells:** Mr. Speaker, I could put the answer to the question this way: We do not pay grants on regional headquarters for regional governments. Since the philosophy of our party and the honourable member's party in regard to local autonomy for municipalities is very similar, the decisions as to whether or not a new regional office should be built really rests with the people who are elected in the particular region. Therefore, if my friend is talking about the regional municipality of Niagara, I think the councillors of the regional municipality are the ones who should decide. They are elected to make those decisions and they should make those decisions.

**Mr. Bradley:** Supplementary, Mr. Speaker: In light of the fact that reviews of regional government have taken place in the Niagara region, one in 1971 and a more formal one in 1975, and as I believe the ministry is still reviewing regional government in terms of the Archer report and the McKeough response to the Archer report with a view to improving legislation whenever necessary, would the minister not agree that it would be advisable for regions not to expand their facilities at a time when he is reconsidering regional government and the delineation of powers within the region of Niagara?

**Hon. Mr. Wells:** Mr. Speaker, in so far as the region of Niagara is concerned, I met with the regional council in a very pleasant informal meeting in their present regional headquarters, which I found a very nice building although it was a converted industrial facility. As I recall, my remarks at that time were that after discussion that morning any recommendations of the Archer report had been pretty well handled. I really do not see any new or dramatic recommendations

for restructuring occurring in the Niagara region unless the council and the local municipalities themselves come forward with something. I think we have pretty well finished with the Archer report as far as Niagara is concerned.

**Mr. Swart:** While the minister states that he does not want to interfere with local autonomy in Niagara with regard to financial matters, would he not admit that land use generally comes under the jurisdiction of the province? Would he, in this case, recommend to the regional municipality of Niagara that they should not locate their headquarters within the municipalities that are in the prime fruit and grape land?

**Hon. Mr. Wells:** Mr. Speaker, I cannot think of any more appropriate item that should be settled at the regional level and not here than where to locate the headquarters of a regional municipality. I think that is one area where we must respect local autonomy. They will pick the area that is best for all the region.

### LOTTERY PRIZES

**Mr. Ruston:** Mr. Speaker, I have a question of the Minister of Culture and Recreation. Is the minister giving any consideration, together with the other provinces, to the suggestion that with regard to the provincial lottery the prizes be spread over a much wider range than a straight five \$1 million prizes each month so that many more people could win prizes at a slightly smaller rate, which would be of greater help to the economy.

**Mr. Haggerty:** Too many millionaires are leaving Canada.

[3:15]

**Hon. Mr. Baetz:** That question would probably take at least an hour or two to answer. I would like to say the whole question of prizes, especially for the lotteries of the Interprovincial Lottery Corporation, is currently under study. In fact, the Interprovincial Lottery Corporation met in Banff earlier this week and will be meeting again later in the year when the whole question of prize structure will be considered.

Along with that, the question of the future of Loto Canada will be discussed. Until that time, I really cannot make any comment or response that would be very helpful to the member opposite.

**Mr. Ruston:** A brief supplementary: Does the minister intend to make any presentation which would spread it over a much wider range?



**Hon. Mr. Baetz:** We will be making our input to that meeting, along with the other nine provinces.

#### AMBASSADOR BRIDGE

**Mr. Bounsall:** I have a question of the Minister of Industry and Tourism. The Ambassador Bridge between Windsor and Detroit is the only international bridge of the 14 in Ontario never covered by a provision for eventual reversion to Ontario or to Canada when the construction indebtedness became retired, which certainly is the case with this bridge. Is the minister aware that in 1973 the government of Canada, under the then minister Mitchell Sharp, laid down criteria for the terms and conditions for any sale of this bridge to another privately-owned outfit, to the effect that the Canadian portion be conveyed at no cost within 25 years of the date of that sale to a new vendor? Therefore, would the minister pursue and pressure the Canadian government and explore this avenue with them, in order that Canada or Ontario, under those conditions, receive ownership at no cost, even if it runs to 25 years from now?

**Hon. Mr. Grossman:** Yes. I'm trying to build up credits with Mr. Speaker by being brief.

#### HIGHWAY SAFETY

**Mr. Conway:** I have a question of the Attorney General. Apropos of the Attorney General's crackdown on violence and the carnage on our highways, I ask what is essentially a local question but one that does concern me a great deal. Is the Attorney General aware that in the small hamlet of Madawaska, which has a population of roughly 300 to 400 people and is in the south portion of the district of Nipissing, at least six people have been killed on the highway, which forms the main street in that community, in the recent past?

Is the minister aware of this, since it is a prime example of the carnage he clearly wants to do something about? Will he advise himself as to why the speed limit continues to be much higher than local residents want it to be? Will he advise himself and me, at least as the local member, why it is that in that community there is still a passing lane right through the heart of the area, in which very recently yet another child has died very tragically?

**Hon. Mr. McMurtry:** Mr. Speaker, I am not aware of the tragic incident to which the member refers. I certainly will look into it and advise him accordingly in an attempt to respond to his concerns.

**Mr. Ruston:** Supplementary to the Attorney General: In his crackdown on speeding, is he not aware the death rate on the two-lane highways is about 2.6 per 100 million kilometres, and on 401 and the 400 series generally it is 0.6 per 100 million kilometres? Wouldn't it be better to put the police on the two-lane highways to try to control them a little more?

**Hon. Mr. Davis:** It's because you use the four-lane. Don't you? We know how you get home nights.

**Hon. Mr. McMurtry:** Obviously, the judgement in these matters as to where the police patrol is not a judgement I attempt to impose. My concern is with respect to highway traffic safety generally, whether it involves excessive speeding or other traffic infractions. I am very concerned about what I read in the paper about the former leader of the Liberal Party being called upon to pay this large fine—

**Mr. Nixon:** You are trying to balance your budget.

**Hon. Mr. McMurtry:**—and I understand to a greater extent his comments of the other day. Whether these patrols or greater police visibility should be on the four-lane highways or the two-lane highways, I am not in a position to make that judgement. I just reiterate what I said before, police authorities do agree—and I met with a number of them recently and will be meeting with a number of them again within the next week—that increased police visibility does reduce the accident rate.

#### MINISTRY HIRING

**Mr. Eakins:** On a point of personal privilege, Mr. Speaker: Following my question to the Minister of Industry and Tourism in regard to the appointment of Mr. John Laschinger, the minister inferred that perhaps I had not read the full article in regard to his appointment. I want to point out that I have a copy of the Topical Job Mart of June 1, and nowhere in the article does it refer to the time of his appointment. In fact, in the announcement it gives his background prior to joining the Ontario public service, and the impression has been clearly given that Mr. Laschinger is now a member of the public service.

**Hon. Mr. Grossman:** To respond, Mr. Speaker, may I say that I'm sorry. I thought it was part of that notice. None the less, I want to assure the House that he does start on the third or fourth week of this month.



## REPORTS

### BULK POWER FACILITIES IN SOUTHWESTERN ONTARIO

**Hon. Mr. Auld:** I would like to table two reports which I think honourable members will find of interest, namely the report by the Royal Commission on Electric Power Planning on the need for additional bulk power facilities in southwestern Ontario and a report on Canada-United States electricity exchanges.

The report by the royal commission, headed by Dr. Arthur Porter, on the need for additional bulk power facilities in southwestern Ontario was released yesterday in London, Ontario.

As honourable members will recall, the Porter commission was requested to consider and report on: one, the anticipated growth in demand for electric power in southwestern Ontario up to the end of 1987, and from 1987 to the year 2000; and two, the capability of existing and committed bulk power generation and transmission facilities to supply this additional electricity to the area, taking into account government policy with respect to the use of interconnections with neighbouring US utilities and on the resulting date on which additional bulk power facilities, if any, will be needed, but excluding consideration of their specific nature and of their locational and environmental aspects. These latter aspects would be considered by the Environmental Assessment Board.

The Ministry of Energy will be meeting with the royal commission to discuss the recommendations over the coming weeks in order that appropriate consideration can be given to them. I do not intend to comment on any specific recommendations at this time, other than to note that the royal commission reports make reference to the need to strengthen system interconnections from both an operational and export point of view.

### CANADA-UNITED STATES ELECTRICITY EXCHANGES

**Hon. Mr. Auld:** Mr. Speaker, I draw your attention to the Canada-United States electricity exchanges report, released last week by the federal Minister of Energy, Mines and Resources. I am pleased to say that on most, if not all, of the recommendations made in this latter report that apply to Ontario's jurisdiction, the government has already put in place policies that meet the needs cited. Some of these policies are set out in the appendices to the Porter commission's report.

As my immediate predecessor said last year, Ontario Hydro is negotiating with other

Canadian and US jurisdictions to develop further export markets. The Canada-United States electricity exchanges report identifies and makes recommendations that can, I trust, if acted upon, only serve to improve the potential for the sale of electricity in neighbouring jurisdictions.

## MOTION

### STANDING GENERAL GOVERNMENT COMMITTEE

**Hon. Mr. Welch** moved that the standing general government committee be authorized to sit concurrently with the House this afternoon for the purpose of voting upon outstanding clauses in Bill 163 in preparation for reporting it back to the House.

Motion agreed to.

## INTRODUCTION OF BILLS

### AGGREGATES ACT

**Hon. Mr. Auld** moved first reading of Bill 127, An Act to revise the Pits and Quarries Control Act, 1971.

Motion agreed to.

### SMALL BUSINESS ACT

**Mr. Eakins** moved first reading of Bill 128, An Act respecting Small Business in Ontario.

Motion agreed to.

**Mr. Eakins:** Mr. Speaker, the purpose of this bill is to provide for the preservation and expansion of small-business enterprise in Ontario. The bill provides for government efforts relating to tendering policy, subcontracting, research and development and small-business consortia as a means of providing support for small-business enterprise.

### PREDATOR CONTROL ACT

**Mr. Riddell** moved first reading of Bill 129, An Act respecting Predator Control in Ontario.

Motion agreed to.

**Mr. Riddell:** Mr. Speaker, this is the second time I have introduced this bill with a great deal of support from the farm organizations throughout Ontario. If I introduce it often enough, maybe the minister will act on it.

The purpose of this bill is to authorize the establishment of local predator control committees throughout Ontario to develop methods and procedures to protect livestock and poultry from destruction by predators.

A committee is to be established for each predator control area designated by the minis-



ter and the committee, within one year of its establishment, must prepare a predator control plan for approval by the minister. The bill requires every predator control committee to regularly review the predator control plan and to report to the minister on an annual basis concerning whether the plan has been effective in reducing the level of predator activity.

#### FARM MACHINERY AND EQUIPMENT ACT

Mr. Wildman moved first reading of Bill 130, An Act respecting the sale of Farm Machinery and Equipment in Ontario.

Mr. Wildman: Mr. Speaker, this bill is patterned after legislation in Manitoba and the request made by the Ontario Federation of Agriculture.

The purpose of the bill is to regulate the sale of farm machinery and equipment in Ontario. The bill establishes the Farm Machinery and Equipment Board to carry out several tasks respecting the sale of farm machinery and equipment. The board is given the authority to investigate complaints and mediate disputes arising from the sale of farm machinery and equipment and may establish inventory guidelines for vendors and dealers of farm machinery and equipment. The board may also make recommendations to the minister concerning the safety requirements and parts standardization for farm machinery and equipment.

Among the principal features of the bill are the following: Dealers are required to provide certain emergency repair parts on 72 hours' notice. Where a dealer fails to make repair parts available within the time required by the bill, the dealer is liable to pay the purchaser an amount equal to one half the normal rental rate for farm machinery and equipment. The bill also sets out warranties applicable to the sale of farm machinery and equipment.

[3:30]

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 205, 206, 212, 213, 218, 219, 220 and 221 standing on the Notice Paper. (See appendix, page 2911.)

#### BUSINESS OF THE HOUSE

Hon. Mr. Welch: Mr. Speaker, I would take this opportunity, pursuant to standing order 13, to indicate to the House the business

for the remainder of this week and next week.

This afternoon the House will take into consideration ballot items standing in the names of the members for Waterloo North and Lakeshore and, this evening, the 26th order, resuming the adjourned debate on the motion for adoption of the interim report of the select committee on Ontario Hydro affairs.

Tomorrow morning we will do legislation, and we will call this legislation in order: Bills 46, 100, 103, 114, 116, 117, 101 and 95.

On Monday afternoon, June 18, we will carry on with the legislation I have just mentioned from where we leave off at one o'clock on Friday. The House will sit Monday evening next week and, starting at eight, we will commence consideration of Bills 80, 81 and 82, to do second reading and committee as required; then Bill 113—second reading and committee if required—and Bills 111, 112 and 108 in committee of the whole.

On Tuesday afternoon we will do legislation: Bill 89, second reading; Bills 90, 99 and 89 in committee; and Bills 119 and 123, second reading and committee if required. The House will not sit next Tuesday evening.

On Wednesday the resources development, administration of justice and general government committees will meet in the morning.

On Thursday, June 21, the House will sit in the morning to clear up legislation. In the afternoon we will do ballot items standing in the names of the members for Sault Ste. Marie and Essex North. In the evening we will do the 28th order of today's order paper, resuming the adjourned debate on the motion for adoption of the recommendations contained in the sixth report of the select committee on the Ombudsman. I should indicate at this time that at least we will get started on that debate.

On Friday morning, June 22, we will continue with legislation standing in the name of the Minister of Intergovernmental Affairs from where we leave off on the preceding Monday afternoon.

#### RULES OF THE HOUSE

Mr. Ruston: Mr. Speaker, before the orders of the day, I am not seeking direction necessarily; I am just wondering about the procedure with regard to ballot item 22. I am not objecting to the ballot item itself, but I did not see it on the order paper prior to Monday of this week. I thought the procedure was that such items had to be on the order paper 14 days prior to the day of the debate.



**Mr. Speaker:** You are right. The standing order does provide that two weeks' notice be given. It is my understanding that it was on the order paper a considerable time in advance of that but not under the name of the member whose name appears associated with it now. I suppose it may be dangerous to establish any precedent that would vary from the standing orders; however with the unanimous consent of the House, perhaps that can be accomplished without it appearing to be a precedent. I do not hear any objection to it.

**Hon. Mr. Welch:** Mr. Speaker, if I could speak to the point of order, I think the honourable member does raise a question with respect to the procedures for consideration of private members' public business. There may well be some question with respect to that item scheduled for this afternoon, both with respect to the matter of substitution and particularly with respect to the amount of time which the rule requires in so far as its being published on the notice paper as standing as an item to be debated. In order to preserve the spirit and the letter of the rule, perhaps the House should be asked for its unanimous consent that this is a change in the standing order. We would offer the consent of this side of the House that the matter proceed, notwithstanding it is out of order according to the standing orders.

**Mr. Foulds:** I am sure all members would agree the spirit of the standing orders has been met in that the matter, as the Speaker rightly pointed out, had been printed on the Order Paper in another member's name in a different form. So the House was not unaware it was possible for the topic to be debated within the very near future.

**Mr. Speaker:** Do we have unanimous consent to deal with ballot item 22 as the second item this afternoon?

Motion agreed to.

#### RESIDENTIAL TENANCIES LEGISLATION

**Mr. Foulds:** Mr. Speaker, could I ask the government House leader at what point, presuming there is success within the committee on Bill 163, that would be dealt with by the House?

**Hon. Mr. Welch:** I was hoping I could be more specific with respect to that, but I think a lot depends on what is going to happen in the general government committee within the next hour or so. A lot will depend on how it is reported back and the attitude of the House with respect to whether or not

further committee examination is required here.

If the member would just leave that matter open, we could perhaps indicate once we have had a message from the committee. If all members will keep their fingers crossed, hopefully they can resolve that in another place this afternoon.

#### ORDERS OF THE DAY

##### THIRD READING

The following bill was given third reading on motion:

Bill 17, An Act to revise the Line Fences Act.

#### PRIVATE MEMBERS' PUBLIC BUSINESS

##### MUNICIPALITY OF METROPOLITAN TORONTO ACT

**Mr. Epp** moved second reading of Bill 106, An Act to amend the Municipality of Metropolitan Toronto Act.

**Mr. Epp:** I believe this is a very important bill I am proposing here, particularly as it concerns the metropolitan area of Toronto. It does two things: First, it permits Metropolitan Toronto to have a chairman elected by the people of a municipality. The chairman would have to have a seat on local council and retain that seat in order to be elected chairman by his colleagues at the Metro level. Second, it permits the local council representatives and school board representatives to be elected for a three-year term, rather than a two-year term.

I am doing this for a number of reasons, but particularly because as a Liberal I believe in making government more responsive and more responsible to the electorate. So often we say the provincial representatives are responsive and responsible to the people. We mouth great rhetoric about these views, but this is an opportunity to do something. Representatives of this Legislature have an opportunity not only to speak to it, but actually endorse that principle as it is included in this bill. I believe these two changes will present measures that are important to the people of Toronto and important to the representatives of the various councils and school boards in view of the fact that after hearing hundreds of briefs, Mr. Robarts, who headed the commission, was able to make that recommendation.

**Mr. Wildman:** How does this coincide with how you voted before?

**Mr. Epp:** It's completely consistent with how I voted before. There are a number of



things that should be kept in mind. First of all, I would draw attention to the three-year term.

Speaking about the three-year term, when we look at the other nine provinces and what they are doing and what they have recommended, we find that Alberta has the three-year term, Manitoba has the three-year term, New Brunswick has the three-year term; Nova Scotia has the three-year term, Quebec has the three-year term, and Saskatchewan has the three-year term for cities but a four-year term for towns and villages.

There are only two areas outside of Ontario that retain the two-year term: Prince Edward Island, which has a population of about 100,000 or a little better than 100,000 people, and British Columbia. In Newfoundland, municipalities there have four-year terms. So most of them have at least a three-year term and one has a four-year term.

In Metropolitan Toronto one will recall that in 1965 Mr. Goldenberg, in his report to the provincial government, recommended that Metropolitan Toronto have a three-year term and this was enshrined in legislation and was in effect for the two elections of 1966 and 1969. It was only after that that the present government recommended that they go back to the two-year term.

Mr. Roberts in his report points out that in the three elections since 1972 the voter turnout declined. In other words, if we look at the logical sequence of events and make a logical assumption here, when they went from the three-year term to the two-year term, the local interest in elections declined because they were voting for somebody for a two-year term and in fact they could get back at them again in two years if they wanted to. People weren't as interested in electing representatives who were standing for office for only two years rather than three years.

If we look at the advantages of this recommendation we find that many of the representatives at the Metro and local level have recommended a three-year term. Irrespective of what some of the people on my left may say about this, I feel that the three-year term is endorsed by many of the Metropolitan politicians because they think it would lead to better planning and you know, Mr. Speaker, as everyone else knows, that although much has been done to improve planning there's still much to be done. They feel in their wisdom, and I agree with them wholeheartedly, that we should have the three-year term and that it would lead to better planning.

The second thing is that it means we have fewer elections and therefore less public expenditure of money. At a time when we in this province are running at a deficit of about \$1.5 billion, it's important that we spend less money rather than more money.

The council and board members would be able to spend more time at the duties for which they have been elected rather than be electioneering. It would encourage greater participation in that longer terms may cost less for electioneering. There's a lot of money spent by politicians at election time, and this would decrease the amount of expenditures there. It gives them more time to judge properly the issues that are before them and to deal with those issues and see them come to the proper fruition, rather than having to wait for a new council to come in and try to decide by going over the same items again and again.

[3:45]

Mr. Speaker, I want to draw to your attention and to the members of this House that the MLC supports the three-year terms. The MLC is the Municipal Liaison Committee, made up of representatives of all the municipal organizations in the province. They endorse the three-year term. A motion to that effect was passed by the representatives at the AMO convention last summer and, I think, the previous summer too.

The former Treasurer and Minister of Municipal Affairs, Mr. McKeough, in responding to the MLC said that municipalities should have greater accountability and, therefore, he rejected the three-year term. There may be some members of the government party who feel that the two-year term should stay for Metropolitan Toronto. On the other hand, I feel we should make a change. I want to quote from Background, which is a publication put out by the provincial government.

In quoting what the MLC proposed at a meeting it says: "Mr. McKeough's statement that 'There are issues of accountability unique to local government' is somewhat mystifying. What issues? Municipal government is the most accountable of all levels of government since all council and most committee meetings are held in public as a requirement of provincial law. Minutes and agendas are always available to the public—again a statutory requirement. Taxpayers at the municipal level have ample opportunity to closely scrutinize the actions of their locally elected representatives, unlike provincial and federal legislative activity."

They go on to say: "In most Canadian provinces, the terms of office for municipal



officials are three years and in some cases four years. We are not aware of any problems arising from this situation. In summary, the Municipal Liaison Committee has supported the three-year term of office because we firmly believe that it would contribute to improving the quality of municipal government in Ontario and the betterment of our urban communities. It could be optional for smaller municipalities to retain shorter terms if they so choose." This is what the MLC says. It is very representative of all the municipalities in Ontario and certainly a forward-thinking and forward-looking group of men and women in this province.

It's also important to note that the committee of review in the city of Winnipeg, which was headed by Judge Peter Taraska and appointed by the Governor General, the former Premier of Manitoba, Mr. Schreyer, recommended that a three-year term be in order for the city of Winnipeg. It's interesting to note that many of the regional government commissions appointed by this government recommended the three-year term.

Specifically, we can refer to Dr. Mayo who did the Ottawa-Carleton study. We can refer to Henry Stewart who was the chairman of a group of three who did the Hamilton-Wentworth study and we can refer to the former Deputy Minister of Municipal Affairs, Mr. William Palmer, who, only a few months ago concluded the Waterloo study. All of them recommended a three-year term.

Most important, I think we have to read what Mr. Robarts says about this particular item. If we look at the Robarts report, on page 67 it says; "In the view of the commission, arguments for a three-year term in Metropolitan Toronto are convincing. Metro and its constituent municipalities are large and complex organizations and decision-making is a lengthy and complicated process. Given the hiatus in policy-making that exists in the months preceding the following of a municipal election, the period in which initiatives can be planned and implemented is at present only about 18 months. This is too short a time for a council to debate, set and implement the sort of policies that are required by one of the largest spending jurisdictions in Canada. Similarly, many school trustees have told the commission that their responsibilities are extremely complex, that these cannot be fully understood in a two-year term and that it is impossible to bring initiatives to fruition within this period."

That was a comment by Mr. Robarts in the Robarts report, and I might say for those members who don't know who Mr. Robarts was that the Premier of this province held

him in very high respect, and I would expect that the members of the governing party would follow his example and his wisdom in this whole matter and support my bill today. To quote from the present Premier and what he said about Mr. Robarts and the Robarts report: "The report of this royal commission, copies of which are being given to the members, is of great significance, not only because of the important issues it addresses, but because of the stature of its author."

I do hope that the members on the government side keep that in mind when deciding on this important issue later this afternoon.

He went on to say: "It is, I think, particularly fitting that John Robarts should be the author of the report on the government of one of North America's great cities. He began his career in this House in 1951, almost at the same time as the process which led to the establishment of Metropolitan Toronto was begun. As Premier, 12 years later, he recognized that changes had occurred in Metro and that if Metro were to remain a world leader in urban government it must adapt to those changes. He, therefore, commissioned Carl Goldenberg to review Metro, and it was Mr. Robarts who, after intensive public debate, introduced the legislation that resulted in the Metro government we have today."

**Mr. Stong:** How soon they forget!

**Mr. Rotenberg:** I was there; I know all about it.

**Mr. Epp:** The Premier went on to say: "I am confident that the report will provide us with a basis for continued progress. Metro has been a leader in this form of government and has provided a lesson to other municipalities over the years. I am sure that Mr. Robarts' report will continue this trend and that the leaders of local government in this province will look to his report as a reference as they seek answers to the government problems in their own areas."

I will now address my comments with respect to the election of the Metro chairman. As members know, the chairman can be anyone in the province. I am not even sure that he would have to be a resident of Metropolitan Toronto—and I don't think the member for Wilson Heights could answer that for me; he may be able to—but could be anyone in the province. I hope he would have to be a citizen of the province, but you could pick anyone and make him chairman of Metropolitan Toronto.

**Mr. Wildman:** He could even be from Waterloo.

**Mr. Epp:** He could be. It would probably be a good choice.



**Mr. Rotenberg:** I thought it was.

**Mr. Epp:** And if he was from Waterloo North it would even coincide with the boundaries for my particular riding.

**Mr. Riddell:** It is pretty hard to find Tories in Waterloo, and that is one of the criteria, he has to be a Tory.

**Mr. Epp:** I want to say, Mr. Speaker, that in defining the position of chairman for Metropolitan Toronto in the Robarts commission report, it stated that: "In law, the chairman's job is defined even more loosely than that of an area municipality mayor." That means any mayor in any municipality in Ontario, despite the fact that the position of Metropolitan chairman is much more important and involves the expenditure of many more dollars of public money.

The report goes on to say that: "The Municipality of Metropolitan Toronto Act states that he is head of council, chairman of the executive committee and chief executive officer of the Metropolitan corporation.

"In reality, although occupying the most important single position in local government in the Metropolitan area, the chairman does not have genuine executive authority. His degree of success is dependent upon his ability to work with and influence not only his fellow Metropolitan council members and special purpose body officials, but also the government of Ontario. The chairman is an ex-officio member of various Metropolitan level special-purpose bodies and also serves on intergovernment bodies."

That is what Mr. Robarts said in his report about the chairman's position in Metropolitan Toronto. I think our purpose in making him an elected official at the local level and to hold the position on the Metro council and then become chairman of that council gives him a certain amount of authority and legitimacy he does not have as an appointed official. Granted, on most occasions he has been a member of Metropolitan council prior to his election as chairman but certainly not on all occasions. If my recommendation was followed through, he would retain the position on council.

I think if we were to apply to Metropolitan Toronto what Mr. Palmer has said in the regional municipality of Waterloo study, it would certainly be apropos. Mr. Palmer said:

"The principal reason it would be desirable to have an elected person as chairman is to demonstrate to the public that the man at the helm of the regional council has the confidence of his electorate. He is then a politician and not a bureaucrat. By definition then, the public has more reason to believe the

man would be more responsive to the needs of the people if he were an elected official. He would therefore have to stay in touch with the electors on a continuous basis if he wanted to remain as chairman."

I think that is very important and I hope the members will take this to heart. Right now he could be there for two years or four years or six years and never go back and account to the people, but under this suggested scheme he would have to go back and get the people's support.

There are three objections to having the chairman elected.

**Mr. Deputy Speaker:** The honourable member's time has now expired.

**Mr. Wildman:** The member hasn't expired.

**Mr. R. F. Johnston:** The member hasn't expired, just the time. Mr. Speaker, I rise to speak to Bill 106, An Act to amend the Municipality of Metropolitan Toronto Act, under which the Metro chairman would be an elected member, and the councils and boards of Metropolitan Toronto would be elected on a three-year term.

In the true spirit of private members' hour, I am rising to support the bill, knowing full well I have to convince certain members of my own caucus as well as others of the values of this bill. Members will hear some articulate argument on the other side hereafter.

It is certainly ironic to me that it should be the member for Waterloo North presenting this private member's bill and not the sole Metro Liberal in the Liberal caucus, but I now understand it is only because he aspires to the position of Metro chairman. He is hoping the next act he brings forward will be for the annexation of Waterloo North or something to that effect—I am only kidding.

**Mr. Epp:** The member should not be facetious.

**Mr. R. F. Johnston:** I will not be facetious.

**Mr. Epp:** Do you know what you are talking about?

**Mr. R. F. Johnston:** I support moving to a three-year term for municipal boards for four reasons.

**Mr. Epp:** Then the member must know what he is talking about.

**Mr. R. F. Johnston:** One is the importance of the municipal role, especially in Metropolitan Toronto and larger urban areas. The second is the need to increase accountability. Third, I think it is an important step in developing the party system on a local level, something I am very much in favour of and with which we are having a great deal of success. The fourth is that in the long run, of



course, it will save money in terms of having fewer elections.

**Mr. Rotenberg:** So have six-year terms and save more money.

[4:00]

**Mr. R. F. Johnston:** It is not in the motion and I am not going to stand to amend, at this point.

I have a couple of hesitations about the bill and the way it's worded. I would have preferred that there was some precise statement about the Metro chairman's position. Leaving it out and just having the coverall clause is not sufficient. And I wonder about the advisability of presenting an act which affects only Metro Toronto at this point when it has been pointed out that a number of other municipalities have an interest in this.

On the importance of the municipal role, I would say that over the last number of years especially since Mr. Rotenberg left municipal politics, we've moved away from ward-heeling and into planning and complex budgeting and that sort of thing. It's often said that an alderman spends his first eight months learning how to handle things; the next eight months doing it; and the third eight months running for the next election and therefore is only effective as legislator for a period of eight months. I think that is not—

**Mr. Rotenberg:** These new aldermen are slow learners. In my day they could learn in two or three months.

**Mr. R. F. Johnston:** That's not what I heard. That's another matter. Because so many people have to learn the ropes, there's a greater tendency for the place to be run by bureaucrats than at other levels of government. When one runs into a thing like the complex budgeting of the city of Toronto and in an election year the budget discussions take place in December and do not end until May, there's a tendency for a great many things to slip through that perhaps otherwise would not, in the area of planning, in transportation, in densities. It's important that the power and decision-making be made by the elected officials and not by the bureaucrats. A longer term, effectively dealing with this, would help.

If the Planning Act is amended to give even more power to municipalities as has been suggested in the white paper, it's even more important that the term be stretched out so municipal officials will have more time to consider things.

The school board in Toronto is a perfect example of a board that needs to have consistent membership at this time. It's banging its head against the provincial budget walls

and the Minister of Education and I worry that if it's replaced within a two-year period they will have to start the fight all over again with a three-year time frame in which to organize the citizens of Toronto as they have been, and the teachers, they might actually be able to effect some change in the stubborn ministry.

In the long-term, a longer term of office would attract stronger candidates. In my borough of Scarborough, too many aldermen work only part-time. They don't throw their energy into it as fully as they might. I believe it's important to have full-time elected officials in every borough in Toronto.

The fundamental weakness in municipal politics is a lack of accountability. There are arguments that say extending the term will increase this problem and the members will hear those later. I would like to argue that it might increase accountability.

The major reason I suggest that is because in a two-year period individuals very seldom are elected on a major program or platform; instead they are elected on the basis of personality and maybe one small issue. Over the course of two years, it's impossible to determine whether or not they have actively pursued that particular goal and it's impossible to get a handle on their voting record to determine exactly what their leanings are.

A three-year period would allow a person to establish a program and take the middle two years to work actively towards effecting change in that area, increasing accountability.

It might also help citizens take municipal politics a little more seriously. If it did, we could improve on these 20 and 40 per cent turnouts for municipal elections and that would be a boon.

For all the reasons I have mentioned, I believe the three-year term is important. If we move towards program and platform, we move towards party involvement. If we move towards party involvement in municipal politics, we will have even better accountability in terms of the number of people who are effectively working towards one goal and that will enable municipal voters to make a clear choice. I think it will increase the control of elected people on the decision-making.

I am personally committed to this action and our party in Toronto has endorsed or elected approximately 30 municipal candidates. As municipal critic or spokesman I will be working actively to increase that number in the next municipal election and by that action force the other two parties into the fight on an open basis, which will be worthwhile for all.



The cost factor is obvious, as was mentioned by the mover of this bill. I think there is an argument to be made that at this point we are electioning the citizenry to death, and I think there is an argument that moving to a three-year term would be a useful thing and that two-year elections create unnecessary expenditures.

As I say, my problems with this bill revolve around the Metro chairman's position. I think it's absolutely vital it be spelled out very specifically that we want the Metro chairman to be elected and why. I would really like to see that in the bill instead of just being left underneath as part of the council and presuming that will be the case because of the retraction of a particular section.

At the moment, our Metro chairman is accountable to the 36 people who elect him. If we move this period to three years and we don't have this portion of it happen it would be a disaster for us, and I think it should be reinforced that the chairman is to be elected.

I'm concerned about smaller communities around the province which are not interested in this. Although the Municipal Liaison Committee has supported it, there are a number of municipalities which are opposed to extending it. A number of individuals who have had long experience in municipal politics would argue that it should go back to the one-year term it used to be. We may hear some arguments on that point.

There are other municipalities, like Ottawa, Hamilton and London, which I think should be brought in at the same time as Metropolitan Toronto. There is no reason why they should not be moved to a three-year term at that point. I think it is unfortunate that this comes through only as an act to amend the particular Municipality of Metropolitan Toronto Act.

So for the reasons of accountability I've laid down, and for the reasons of saving money, perhaps encouraging greater emphasis on programs and perhaps reducing the role of the bureaucrat in municipal politics, I would support this bill.

**Mr. Williams:** Mr. Speaker, I appreciate the opportunity to rise and participate in the debate on Bill 106 this afternoon. I do so in the sense of looking at the legislation before us and assessing it critically, not only from an academic point of view but also from a practical point of view as one who has had the privilege and opportunity to participate as one of the elected members within the civic form of government that has

been created and is now known as the municipality of Metropolitan Toronto.

The legislation before us is timely and does deserve serious consideration by all members of the Legislature. As we know, the existence of Metropolitan Toronto and its evolution from its inception in 1953 to the present time has been a most interesting one and of great historical importance in many respects. We're well aware that many other municipalities, not only within our own country but in other jurisdictions as well, have been so impressed with the Metropolitan Toronto government structure that they have modelled their own municipal governments after the Metropolitan Toronto government.

I look back to the days prior to Metro and the efforts of Lorne Cummings, who was the author and architect of the Metropolitan Toronto government, the substance of which and the basic components of which have held true to this day as far as being workable and practical ways of operating the democratic process within a highly urbanized area.

It's interesting to note—and I believe the sponsor of the bill alluded to this fact—with reference to the three-year term, which I must say I endorse heartily, there has been a great deal of consistency with regard to the support shown for this term as enunciated, not only by Mr. Robarts in his most recent royal commission report, but also by Carl Goldenberg in 1965 when he made his monumental report that shaped an important restructuring and refinement of the Metropolitan Toronto government as we have it today. Even going back to the days of the architect himself, Mr. Lorne Cummings, at the very time of proposing the form of Metropolitan Toronto government, he felt it should be built around a three-year term.

The three major critics and persons who were charged with responsibilities by this government to study the system and bring it into being and to hone it and refine it to the reasonable perfection we have today, all of those authors without exception were supportive of the three-year term.

Looking at it from a practical point of view as one who was a member of the Metropolitan Toronto council on occasions while a member of one of the local municipalities, I must say that I can see from a practical point of view the merits of that argument. It's for this reason that I don't hesitate to support that aspect of Bill 106.

When we're dealing with such a large metropolitan area and with such a large



metropolitan government representing so many people and administering such a large budget, which I think is probably the fourth largest budget in Canada next to the federal, the Ontario and Quebec budgets, I can assure you, Mr. Speaker, from my own personal involvement that not only are the problems of metropolitan government complex, but the resolving of the financial requirements and making the necessary allocations and attending to the annual budgeting to ensure that programs are implemented are also complex.

I've found from experience that it takes a minimum of three years from the time an idea is conceived, the monies are allocated and the project gets under way until one usually sees the germ of an idea come to full fruition in the form of a completed facility. This is the pattern that appears to have been followed in the component municipalities within Metropolitan Toronto as well.

In order to have a consistency and continuity of service and responsibility, there is a great deal of merit to supporting the three-year system. Not having been a member of this Legislature and the party at the time, it's perhaps easy to be critical of the fact that the government went back to the two-year term. I feel from my perspective of a former Metro member that it was a retrograde step to do so. I would encourage and support a return to the three-year term.

However, having indicated support for that aspect of the bill, on the other hand I must be most critical of the other recommendations and proposals contained in the bill. I must say without hesitation that I'm equally opposed in an unqualified manner to the other provision which suggests that the Metropolitan chairman should be elected to his position and that he must be a member of the Metropolitan Toronto council.

[4:15]

We must bear in mind that the very first Metropolitan chairman, Fred Gardiner, was not an elected member of any council and he was indeed the grand master of the Metropolitan Toronto council.

If we look further down the line, we will recall that our good friend Billy Allen retired from municipal politics when he assumed the chairman's role, and continued to serve well as a chairman, even though he did not hold elective office within Metropolitan Toronto.

Circumstances could arise where a person who was not an elected member could well be the appropriate person for the members of the Metropolitan Toronto council to appoint. Needless to say, in all likelihood it will con-

tinue for some time in the foreseeable future that those circumstances are unlikely to arise. Nevertheless, the provision is made for that opportunity in that eventuality. Considering the calibre of the existing members within the Metropolitan Toronto councils who make up the total membership of the Metro council, it is apparent they will not have to go far afield to seek an appropriate chairman to lead them but will be able to select from amongst themselves.

The sponsor of the bill has suggested that, by following the procedures he has set out in his bill, the Metro chairman must continue to be elected within the municipality; so that to say the people of Metro would have an opportunity to elect him to his office is not totally an accurate statement. The people electing him, of course, would be only the people within a given ward in which he sought election or within a given municipality within Metropolitan Toronto wherein he may choose to run as a member of a board of control. It is not likely he would seek those senior offices within the local government, because they in themselves are full-time positions.

If the member for Waterloo North had had the experience of me and my colleague from Downsview, who will be speaking this afternoon, he would fully understand the impracticalities of continuing to serve as an elected member for one of the local councils and, at the same time, trying to discharge the full-time duties of the Metro chairman.

**Mr. Acting Speaker:** The honourable member's time has expired.

**Mr. Williams:** One closing statement, Mr. Speaker: There is no way that the Metropolitan chairman could act impartially and service the people of Metropolitan Toronto at large and continue to serve as an elected member of one of the constituent municipalities at the same time. For this reason I would be opposed to the bill. This particular section I find offensive and, as such, the bill itself should fall.

**Mr. Stong:** Mr. Speaker, it is a pleasure for me to rise and give wholehearted support to the twofold principle contained in the bill introduced by my colleague for Waterloo North.

I agree with the points brought forward by the member for Waterloo North, and I would like to elaborate briefly on some of them.

The first concept of the bill which is important from my point of view is the fact that it designates a three-year term for an elected official. There is a lot to be said for having a specific number of months or years to serve, in that it would free one up from



the constant plague of an impending election. It might be a good lesson for us to learn here in this assembly, that rather than be threatened with an election, we should be free to go about the work of the province and governing the province.

Likewise, the fact that there is a set term—and it is an extended term, to three years—frees up an elected official to make decisions that would be for the good of the public rather than for his own personal political good and for the mere purpose of gaining votes. He could be perceived to be acting in the interest of the public in a way that represents continuity. It gives a greater opportunity, in my respectful submission, for the public to assess the record of the elected official.

My colleague from Waterloo quoted Mr. John Robarts who, in supporting the concept of the three-year term, said the three-year term would give “the opportunity to suggest, debate, set, and implement principles and policies.” I believe that concept could be taken one step farther. Not only would the three-year term give the opportunity to suggest, debate, set and implement policies, but it would also give the electorate a chance to assess the relative success or failure of the policies that are implemented. That is a very important aspect to those who have to make up their minds on election day as to the record of the person running—whether the policies implemented in the course of his or her term were successful.

I would like to spend a little more time, however, on the aspect introduced in this bill that the chairman be one from an elected position, one who has served on the local scene. There are the advantages already suggested—the confidence of the public in a person who holds an elected office, and the aspect of accountability.

But there are also disadvantages in not having an elected official: The position smacks of political patronage. There is no accountability and the person who holds the office can be regarded as a political puppet.

It can be argued that by requiring the chairman to be an elected representative the best man might not be able to win. That argument may succeed, but it would only appeal to certain people. As was demonstrated recently, the week after the good people of Ottawa defeated Robert de Cotret, he was made a senator and a cabinet minister. Again, it smacks of political patronage.

This is a big government position, holding great responsibility. A person who holds that position is dealing with other political personages. As a result, it would only be reason-

able that a person who holds that position be a politician and not a bureaucrat and be a person who is accountable and answerable to the electorate.

It is argued as well that requiring the chairman to be an elected representative could lead to a conflict of interest—that he could not be loyal to his duties as a local councillor. He might have a local bias with respect to one region. I remind the House that the Premier is also the member for Brampton. The parliamentary system functions this way and surely the municipalities could do the same. We in this House are held accountable to the electorate if our vision is too narrow.

I suppose it can also be argued that one cannot be a mayor of a city or a borough and at the same time be Metro chairman. In my respectful submission that's easily remediable as well. A person who intends to run for mayor could not hold himself out to run for the power or position of Metro chairman.

I think there's one more subtle and perhaps very significant aspect of this bill. That is, it calls for the election of the chairman and that election is from within those who are elected to the position of Metro council. It is not, as has been proposed in other legislation that has come before this House, on a Metro-wide basis that the election would arise.

In respect to that, I can quote from Mr. Robarts again in his Framework for the Future, on page 54, when he too put forward this position. He said: “The chairman of the Metro council should be more accountable to the electorate than he is currently. The commission thinks however, that direct election of the chairman on a Metro-wide basis is neither feasible nor desirable. It is not feasible because of the cost that would be involved in campaigning for such a position. It is not desirable because it violates the principle that the council itself should select its own leadership.

“The principle underlies the commission's recommendations regarding both local and Metro executive bodies. The only exception to the principle is the proposed continued direct election of local mayors because of established tradition and the need to maintain the powerful political base that is indispensable in representing local views in the Metro council. These reasons do not apply to the position of chief executive of the Metro Federation.

“Accordingly, it is recommended that the metropolitan chairman continue to be selected by the council from among its own members. He should, however, also retain



his local seat and be required to win election to council again each term, if he is to continue in office, although he would not be expected to take an active part in local council meetings.

"This arrangement," Mr. Robarts continues, "parallels the situation at the federal and provincial levels of government in which the leader of the government must win election in a constituency prior to taking executive office." Amply sensible and wholly acceptable and I would hope, Mr. Speaker, that this concept and both principles contained in this bill will be accepted by this House and I look forward, once they are accepted, to their extension to those regional municipalities that are beyond the borders of Metropolitan Toronto in such places as York, Durham and other regional areas.

**Mr. Swart:** Mr. Speaker, I rise to speak on this bill and, unlike any previous speaker so far today, to speak against the three-year term for the council of Metropolitan Toronto. I suggest that this bill, unlike a lot of other bills in the Legislature, is not really a party bill. I know it's a private member's bill but it won't divide, at least I hope it won't, on party lines because party policy per se on economics, et cetera, does not really enter into the decision-making on this kind of matter.

I have heard many arguments put forward up to this point on the reasons as to why there should be a three-year term and particularly the argument that it should be because the Association of Municipalities of Ontario wants it, because the Provincial-Municipal Liaison Committee wants it, because the Metro council wants it, because Robarts recommended it. I suggest to you, however, Mr. Speaker, that in the consideration of a basic principle of whether there should be a two- or three-year term, municipal people—and I have a great respect for them—have a vested interest in other than just what may be for the good of the people within their municipality. I don't think it's unfair to anyone to say that if one is elected to a public office, whether it's municipal or in the Legislature, and after one goes through that expense and that trauma, if it turns out to be that, one likes to feel secure for a period of time. That's a natural reaction by politicians but really, I think we can't give high priority to that. Rather we should be considering what is best for the public in a municipality.

I can recall, because I was in municipal life for quite a number of years a great debate which lasted over many years

whether there should be a one-year or a two-year term and in many instances that was given to the public within a municipality to decide in a referendum, and it was always turned down, including in the city of Toronto. The public generally turned it down when that was put on a municipal ballot. They wanted the people elected to be accountable to them on a more frequent basis.

That right, of course, was taken away. Councils were given the right to set up over a period of time—to decide whether they wanted a one- or two-year term and now, at least in regional municipalities, in the local municipality it's done under the Municipal Act. I would point out of course that even those who have been studying local government across the province haven't been unanimous in this. Robarts made the recommendation for a three-year term in Metro Toronto.

[4:30]

Of course, another ex-politician, a well-known Conservative and a person who has long experience on the Toronto and Metro councils, William Archer, made the exact reverse recommendation when he did a study in the Niagara region. I won't take time to read it all, because I want to deal with the other half of this bill, but the fact is that there is a very real difference of opinion. Perhaps I should just read the first part. He says:

"The commissioner"—speaking of himself—"has had personal experience with both a two- and a three-year term and had previously argued for the three-year term." I want to point out he did that when he was on the city council in Toronto. Then he states: "However, experience and knowledge has now convinced him that the two-year term is more suitable." When he was outside, looking at it objectively and not as a vested interest, he felt the two-year term was more suitable.

I think it is true, although the member for Waterloo North stated otherwise, that there is more accountability to the public under a two-year term than there is under a three-year term. I think I am right in saying the member for Waterloo North said it would increase accountability. I say it is not so. There may be some argument that it increases efficiency, but it does not increase accountability. The public would have 50 per cent less opportunity than they do now to change their councils. That is true. If we go from two to three years, they won't have the same opportunity to change their



councils or council members, if they don't like them. I suggest it can get municipalities and municipal councils into more of the manipulations that we have at the provincial level and the federal level.

I know of no municipal council at this time which in the year of an election deliberately reduces taxation and increases services, which is common practice provincially and federally.

**Mr. Epp:** They can't budget deficits.

**Mr. Swart:** They can't budget deficits, but there is another much more important reason. The accountability of elected people is directly proportional—perhaps on a logarithmic scale—to the proximity of the next election. There's not much question about that. Provincial governments, as has been the pattern of this government across from us, give lots of goodies and cut taxes when it comes to election time; whether it is 1975 or some other year, that is when they improve all the benefits. If we get into three-year terms, I suggest the same thing can happen with municipal councils when we get closer to that period of time. If they are purer than us now—and I suggest that they are—then let's keep them that way, and we will do it at least partially by having the two-year term.

The longer term does not necessarily give greater continuity, either, with regard to operations in a municipality. I sat on local councils when there was the one-year term, and nomination was one week before election day. The lame-duck period then lasted for about two weeks. When we get into a two-year term, it will last for a much longer period of time. When we get into a three-year term, it will last for a still longer period of time, and the campaigning will start six months before the municipal election is to take place.

It is also true that those people who are on the lower incomes, the working people, and those people who may not be known because they are in business in the municipality, or happen to be lawyers in the municipality, become known from running for council once, twice or three times. They are more apt to get elected the second or third time. If we stretch out the length of time, not only will they be more apt to be forgotten between the second and third years, but they also won't have the number of opportunities to run for municipal council. I say, therefore, that it will increase the opportunities of the establishment to remain in power.

On all counts, I believe that a three-year term will give less accountability to the public than a two-year term, and that is why I am opposed to the three-year term. In this, I think I am right in saying, I am on the side of the

public and not of the politicians. Being a municipal person for 21 years, it distresses me that I cannot support perhaps the majority of the politicians. But in this instance, I think they have a vested interest, as we have a vested interest if we were talking about our terms in the Legislature.

I just have about two minutes left.

**Mr. Acting Speaker:** About one-and-a-half.

**Mr. Swart:** The second half of this bill before us—and I say this advisedly with no acrimony—is the phoniest, most hypocritical section of any bill brought before this Legislature since I have been here.

**Mr. Stong:** The honourable member stands alone.

**Mr. Swart:** That party on my right spoke for months and years about the need for electing a chairman. They get up today and talk about the need for electing a chairman. But when the opportunity came, when we moved an amendment in this House a year ago and the Liberals could have had an elected chairman, they voted against it.

**Mr. Stong:** Not on this basis.

**Mr. Swart:** On exactly the same basis.

**Mr. Epp:** It was different and you know it.

**Mr. Swart:** Mr. Speaker, there is no time to read it now, so I would ask the people in this House to look at Hansard of May 30 and June 1. The amendment put forward by this person was exactly the same as they have in this bill.

**Mr. Epp:** Don't take it out of context.

**Mr. Swart:** Their only excuse for voting against that amendment at the time was that it was a housekeeping bill. When they had the opportunity to make the change, they backed off. They know this bill is not going any place so they can posture on it.

**Mr. Stong:** I have never heard the likes of it. Read the act.

**Mr. Swart:** But when they had the opportunity to change things, they did not take it. I support the second part of this bill, but the party that introduced it does not.

**Mr. Acting Speaker:** The member for Wilson Heights, for five minutes only.

**Mr. Stong:** That's too long.

**Mr. Rotenberg:** Mr. Speaker, I think it will come to no surprise to members of this House that I will not support this bill in the form in which it appears today. There are two parts to the bill and I want to deal mostly with the second part.

On the first part, as far as three-year terms are concerned, I still feel there should be uniformity of term within the province. I am



not prepared to change the term for Metropolitan Toronto unilaterally without talking about other parts of the province.

The proponent of the bill said, "Since we came back to two-year terms, there has been less voter turn out in Metropolitan Toronto." That was a coincidence and had nothing to do with the term. In the 1972 election, voting for a two-year term, there was a high turnout because there was a heavy contest for the mayoralty of Toronto. Some people I know were involved in that. In 1974 and 1976 there were virtual acclamations. The mayor of Toronto is the big race in Metro and that is why there was a low turnout. It had nothing to do with the two-year term.

The other thing I would point out as far as two-year terms are concerned is that the most powerful democratically elected body in the world, the United States Congress, also has a two-year term.

I want to deal basically with the election of chairmen in the few minutes I have. In theory, the member for Waterloo North is correct: the Metro chairman should be elected. But—and a big but—in practice, especially as put forward, it simply will not work in a two-tier government and it simply will not work in the present system of indirect election to Metropolitan council. I would point out that a majority of the members of the Metropolitan council agree.

There are four of us in this House who have served on Metro council: you, Mr. Speaker; the member for St. George (Mrs. Campbell), whose opinion I am not too sure of; the member for Oriole; and myself. The member for Oriole and myself agree that the present method of chairmanship election is the proper one. You and I, Mr. Speaker, were involved in one of those elections for Metro chairman and neither of us won. I guess that is the way it is.

It is the principle of the British parliamentary system that the electors choose their representatives and the representatives choose their leader. That is, in effect, the way we choose the Prime Minister or the Premier of a province. He is not chosen by the public at large, he is chosen by the people who are elected.

**Mr. Swart:** But he is elected by the people and must stay elected.

**Mr. Rotenberg:** There are many people in this world who have far more powerful jobs in democratic countries. Just to point out a couple of them: there is a guy around named Cyrus Vance who runs the foreign affairs of the world; a guy named Michael Blumenthal is probably more responsible for the econo-

mics of the world than anybody else; a guy named Arthur Schlesinger is responsible for energy in the United States and the world. The other nine cabinet ministers in the United States do not even hold any elected office. So there are precedents for people in powerful positions not being elected.

**Mr. Swart:** The leader has to be elected there.

**Mr. Stong:** We are the enlightened half of North America.

**Mr. Rotenberg:** I must be getting to them, Mr. Speaker, because they're heckling

The other point is that, earlier in the day, the Liberal Party was giving a great harangue about local autonomy. The elected members on Metro council have a say. The elected members on Metro council are not in favour of the bill as put forward today. They want to leave the election of Metro chairman the way it is, and they have said so by resolution.

I would point out to the member for Waterloo North that even the bill as he has drafted it really does not do what he wants to do. He's changing the section which says a member does not have to resign from the local council and permits the chairman to continue on a local council. This is the way it was before 1966. But what his bill doesn't do is compel a member to remain on his local council. If his bill were adopted, what could happen is simply what happens now. If a member were elected to a council and elected as Metro chairman, he would resign his seat in the local council, and there would be a by-election to fill that seat. But the difference would be, under his proposition, that at the next municipal election—let's say Paul Godfrev would again run for alderman in North York, be elected as an alderman in North York, be elected to Metro council, run to become chairman and then resign his seat. The bill doesn't preclude that. Quite frankly, this would be a very silly way to go about the business.

The other major point is that the Metropolitan Toronto council is not the same as this assembly, and the chairman is not the same as the Premier of the province representing Brampton riding. It is a two-tier system, and the member has to serve on two councils. Being Metro chairman is as full-time a job as being Premier of the province. Yes, he sits on the local council of which he is chairman, as the Premier sits in this House. But either because of the time or the capacity, either physical or mental, a chairman cannot also sit on and do a job on local council.



Under the terms proposed by the member for Waterloo North if a person were elected as an alderman or a controller of a local council and then became Metro chairman and had to stay on his council, in effect he would be a lame-duck member. He really could not give the time that he should to that local council and to his constituents.

Then there's the point of accountability. The purpose of electing the chairman is that he's accountable as Metro chairman. But he's not. When he goes out to get elected, he doesn't tell the people in ward seven of North York or ward four of Scarborough that he's running for Metro chairman. No. He's running for alderman—and that's how he gets elected.

**Mr. Acting Speaker:** The time for debating this ballot item has expired.

**Mr. Rotenberg:** To conclude, Mr. Speaker, I would indicate that for these and many other reasons we will not support the bill.

#### ROYAL ASSENT

**Mr. Acting Speaker:** I beg to inform the House that in the name of Her Majesty the Queen, the Honourable the Lieutenant Governor has been pleased to assent to certain bills in her chambers.

**First Clerk Assistant:** The following are the titles of the bills to which Her Honour has assented:

Bill 17, An Act to revise the Line Fences Act;

Bill 25, An Act to amend the Labour Relations Act;

Bill 29, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Niagara;

Bill 32, An Act to amend the Audit Act, 1977;

Bill 33, An Act to amend the Agricultural Development Repeal Act, 1973;

Bill 34, An Act to amend the Business Corporations Act;

Bill 43, An Act to repeal the Fires Extinguishment Act;

Bill 44, An Act to repeal the Vacant Land Cultivation Act;

Bill 45, An Act to repeal the Fire Guardians Act;

Bill 52, An Act to amend the Mining Tax Act, 1972;

Bill 71, An Act to amend the Ontario Heritage Act, 1974;

Bill 87, An Act to amend the Conveyancing and Law of Property Act;

Bill 88, An Act to amend the Ontario Highway Transport Board Act;

Bill 92, An Act to amend the Railways Act;  
Bill 93, An Act to provide for the holding of Land by Religious Organizations;

Bill 94, An Act respecting the Anglican Church of Canada;

Bill 108, An Act to amend the Public Accountancy Act;

Bill 109, An Act to amend the Evidence Act;

Bill 110, An Act to amend the Administration of Justice Act;

Bill 115, An Act to amend the Municipal Act;

Bill Pr1, An Act respecting the Town of Niagara-on-the-Lake;

Bill Pr11, An Act to revive Delila Construction Limited; and

Bill Pr12, An Act respecting the Borough of East York.

#### PRIVATE MEMBERS' PUBLIC BUSINESS (concluded)

##### NATIONAL UNITY

**Mr. Lawlor** moved resolution 23:

That, nearing a time of crisis and decision for Canada, a committee of this House be named immediately to review the present proposals and positions of this government in relation to national unity and related constitutional issues, so that the position of this House may be made clear, particularly as the positions of the governments, federal and provincial, of the Task Force on Canadian Unity and other concerned interested bodies have now been published; and that the committee be required to recommend to this House the policy and proposals for Ontario which will best ensure the continuing unity of Canada; the said committee to report not later than November 1, 1979.

[4:45]

**Mr. Acting Speaker:** Mr. Lawlor has moved ballot item 23, a resolution standing in his name. Will the member proceed for 20 minutes? I assume he will wish to reserve any time left over.

**Mr. Lawlor:** If there is any time left over, I shall possibly refute all the objections.

On Friday last, and on Monday again, briefly, succinctly and to the point I, with others in this House, spoke on similar issues and there would be little point in rehearsing that particular procedure again.

I thought I spoke particularly well on Friday morning, and that being the case, I would ask the minister to give a good deal of thought to what was said at that time. Looking at Hansard I said, "That wasn't too bad."



That was pretty well put and should carry some conviction and some weight in the mind of the minister."

My problem is that I cannot clearly remember ever having a full-blown constitutional debate in this House. There was supposed to be one but I remember I was ill one Friday morning and whether it came about or not I have never been able to say. In any case, my deep feeling in this regard is that we have had no role, no say, no input as a constituted legislative body contributing, being detrimental to, weighing, assessing, analysing or doing anything with respect to this most critical issue at this time in our history, on this side of the House, or in the House as a whole. This stands as a towering indictment of us all, of everything this House stands for. I'll come back to that in a few moments.

Before doing so, I would like to refer to the throne speech debate of this year. On page 25 the government said: "It is our firm conviction that a renewed constitution is a high priority of this nation in order to provide a framework in which all citizens and regions can enjoy growth and prosperity within the context of a harmonious and flourishing country."

It goes on: "The general principles concerning Ontario's approach in this respect are, we believe, supported by the people of Ontario." I shan't give them all; just one or two. They are: "The preservation of the unity of Canada"—in which we, if I may comment, all share obviously, and some of us are far more stirred, far more desperate almost about it than others seem to be.

Second: "The preservation of a strong central government with adequate powers to pursue the national interest and provincial governments that reflect the regional diversities that are the Canadian heritage." And it goes on to other points.

What are these "adequate powers to pursue the national interest"? What are the delineations of the portions of provincial governments to reflect diversities within the terms of our national heritage? What is the framed vision for this country? Why can't we put some definition into the whole thing? Why are we either suppressed, or subverted, or held back in giving articulation to these problems on all sides of the House? Surely in matters of high policy of this kind, where there is a great deal of non-partisan interest, we can come to terms.

But the government circumvents; it spoils. There is some weird mechanism operating in the government where it cages for itself the determination, as though it were handling foreign affairs in Nicaragua this afternoon

and didn't wish interference from the yahoos or the malcontents or those members of the legislative body who might raise points which might be a bit disturbing and might not be on all fours with the declared intent of the government. That's no democracy. That's not the way contemporary government—and certainly not a government in a minority position—should work. I don't take advantage of that. I simply point it out. It does give a heightened role, which we wish to share in, which—to be quite frank—we demand to share in. It's our country too and we wish to participate in this.

It's not enough to simply repudiate sovereignty association and let it go at that. We do that, but does the debate end there? Have we not got the intelligence, the accumulated wisdom? Is not this House held to be perhaps the most sagacious of parliaments in this country at a provincial level? Have we nothing to say to the nation in this regard?

I for one am not prepared to repose this wholly within the sacred confines of either the cabinet or the bosom of the Premier of this province acting alone. He may take that towering significance upon himself and wish that to be the case, but it simply cannot be. It cannot be within the terms of the kind of government we have. I really think he recognizes that, although I have some misgivings about the result of this particular debate in this House this afternoon.

I would like to refer for a moment to a brief article in the *The Metropolitan Toronto Business Journal* of the spring of 1979. It's referring to the Pepin-Robarts task force which, as has been pointed out earlier in this House along with the Macdonald and numerous reports, would form a very good delineated basis for discussion. It sets the thing up. We have the material before us and there's no reason this thing cannot be done rather expeditiously.

I'll speak a little bit more about how I envisage that committee later on, but it could be performed expeditiously with the stuff available. We'll have to work it up and go over it and in the sense of setting the problems themselves, it would be perhaps a prolonged piece of business. I've waited for three years now to see somebody come to terms and to set it out in a quasi-blueprint for us. It's been done and therefore it's a question of mulling it over and working it up within a committee context. It can't be done in this House at all.

The *Business Journal* says: "The task force found the country and its constitutional system in a protracted state of crisis, the



primary but by no means the only challenge coming from Quebec." That's true too. It's not just Quebec. The rumblings in western Canada, particularly in Alberta, are something to be taken into cognizance in this situation and in the drafting of this constitution.

The task force found a pressing need among citizens for fresh accommodation which will permit the people who inhabit this country to live together in peace, harmony and liberty. The task force concluded: "Canada is passing through a period of travail which is more than a crisis of development. It is a crisis of existence. A central threat to our future existence is the diversity of ignorance where each fragment of opinion is inclined to think that it is the whole."

Thus, the task force reported: "Again and again people from one group or one part of the country or one economic class would engage in an analysis which they believed to be generally true but which seemed to us who had just got off the plane from the other end of the country to be but a small fragment of the country's reality."

Further down it says: "Canadians have a long way to travel and a little time in which to make the journey, but the place to start is by each Canadian reading *A Future Together* because, as Robarts-Pepin warned, 'Further erosion of the common will on which our society is ultimately grounded would almost certainly spell the end of the Canadian experience.'"

Flowing from that, and as a comment on this debate this afternoon, is the article by Jonathan Manthorpe of recent date which seeks to penetrate the convoluted recesses of the mind of the Premier with respect to why this hanging back, this strange reticence with respect to having a group in this House formed from all parties—and, I trust, an astute group. The issue itself will require a very great ability just to tackle it and to grapple with it. It is a complex and intricate issue.

Let me just say, in pausing here, if that is not done—if, as Manthorpe says, one of the motivations is fear on the part of the Premier or the government as to what may eventuate from such a committee—then I would say that shows damned little confidence in the members of this House, the quality of the members who might constitute that committee, their intelligence, their sense of what is fitting and what might or might not be done in the context of that committee.

I will pause here further to say that committee, as I envisage it, would not be a wide-ranging interrogation. It would perhaps be a little like the Ombudsman committee where

we screen our witnesses and not everyone can appear before it. It is done deliberately. In this particular context, I wouldn't say there would be any need for advertising. If people wish to come, the committee itself would make a determination as to what it is there to hear. People who are informed on constitutional issues and people in the field of sociology and political science, et cetera, can make a contribution.

We are not interested in listening to kooks, to prejudiced individuals spouting or to any number of other things. I think that is perfectly within the ambit of the cognizance of the committee to take that position precisely, particularly on issues of this kind.

Other committees in other parts of the world set up their criteria. It has to be done explicitly and it has to be done on rational terms. But once set forth, there is no reason that the kind of exposure indicated in this article and the fears that would be engendered from it need arise at all. Does not this government repose sufficient faith in the members of such a committee and such a group of members to conduct themselves intelligently, knowing what the effects in the Quebec press or otherwise might be from invidious human beings seeking to destroy the country rather than to cement it?

The second thing is timing. The report of this committee may come in at the same time as the referendum. I find that hard to fathom. If the referendum comes in this fall, the committee report will be in or very likely prepared. I think they are parallel things. We address ourselves to the referendum as a separate matter. If members of the committee then are clued in, informed individuals who can make a special contribution because of the hearings and the dispelling of ignorance which had taken place and the insights gained with respect to the future disposition of this country, then all so much the better to enter into the debate on the referendum in this. It is a contribution to the referendum and it is meant to be a contribution to the government.

The government wouldn't pretend to be all-knowing or all-wise with respect to this particular problem, probably the most difficult, single, legalistic type of problem one could possibly think of. I think it would welcome assistance from any quarter, and particularly from within the House itself. The committee recommendations aren't binding, as everyone well knows. Nevertheless, they would be very serviceable; they would afford a Pabulum upon which one could pour a little homogenized milk of his own. One would be better equipped at the end of the day.



[5:00]

After one has taken a stand at some constitutional conference, one doesn't want this House to be racked by dispute and internal misgivings and internecine quarrels over an issue of this kind. We want unity; we want to all be working together. In any event, one is in no way bound by the results of the committee work.

To state that on a matter of such high policy, largely of a non-partisan nature, where what is at stake is the very existence of a country, that we not partake or have an input is a denial of the very *raison d'être* of this Legislature at this time. To base it on fear, to repress or even subvert such a work means that no confidence in the good sense and intelligence of the elected representatives of this province is being adverted to. It calls into question, so far as I am concerned, our fundamental purpose for being here.

I say cry, the beloved country. And as in Alan Paton's book of that name, I say to the Premier, permit this committee to come into being. It will serve a good purpose.

Members' misgivings I understand and give credence to. They are not foolish. At the same time, we all live in risk. The risk here can be diminished by setting out the terms of the committee. They can be diminished by seeing that people of integrity and quality get on the committee. But overbalancing that by far is the good work that such a committee can do in feeding the House, informing the members of what precisely are the issues involved here.

Many members of the House are not lawyers; they have never been to the law schools; they've never spent days or even half a term on two sections of a particular statute. Yet this is the most salient issue that we face. I was pleased the other day in the course of the debate the great weight wasn't placed on the economic side of the thing. The issues here transcend economics. There would be less friction in this country and I have little doubt there would not be so much unemployment, particularly among the unemployed youth of Quebec. They wouldn't be so disgruntled.

There would, nevertheless, be the present cultural difficulty. There would, nevertheless, be the will to separate. We English-speakers have been responsible for that throughout history, largely beginning with Lord Durham, but even before that. Consider Durham's policies: they were totally repressive of the French fact. They were going to eliminate them, not just assimilate them. The language was to go. That tenor of animosity, that in-built acrimony in our whole situation, has

contributed overwhelmingly among the "white niggers of North America" to the present state of affairs.

That is not economic; that is something spiritual, something cultural. We have to come to terms with that. It's that wider dimension this committee can take on. A few people in government entrenched within the narrow circle of their own concepts are too self-enclosed to deal with that broadly. We need a feeding in, a sense of balance among those who are working and will work, I trust, later this summer, or as I said the other day, after Labour Day. Sure, there are a lot of committees. I hope the Minister of Intergovernmental Affairs won't denigrate.

**Mr. Speaker:** The honourable member's time has expired.

**Mr. Lawlor:** I don't believe it.

**An hon. member:** Give him at least two more minutes.

**Hon. Mr. Wells:** Actually, I was waiting with anticipation to hear what he was going to say, I guess we will have to wait for some future time.

I am rising to speak on the motion of my friend from Lakeshore and I would like to make a few comments. Most of them, I think, have been said in the last week in this House during the debate on the estimates of my ministry. I was thinking, as I listened to the remarks my friend made about having a committee, that I fully expected the estimates of this ministry and indeed the estimates concerning the Intergovernmental Affairs office and all those things connected with the constitution, to be debated in committee this year. For some reason somewhere, that idea was changed. I certainly didn't agree to it or want it, but I guess somewhere within the mysteries of how the business of this House is organized, our estimates ended up—

**Mr. Nixon:** Difficult for your whip to cope with.

**Hon. Mr. Wells:** The member's friends are pointing to him so it must have been the House leaders who agreed on this. I thought we had an understanding that if estimates were debated in the House one year, they would be in a committee next year. I fully expected and hoped we would be in committee this year with the kind of debate that would have entailed.

Let me quickly sum up my position as a private member, since this is a private member's debate. It's my position—and I guess it also becomes the position of the government on this matter because I am going to state a few things that go beyond my own private feelings. I want it fully understood,



Mr. Speaker, that I believe, and we as a government believe, that all members of this House should share in this great debate, the great debate about restructuring our constitution, about renewing our federalism, about national unity, about our approach to the Quebec referendum. This is a very important subject. It's probably the most important subject there is today. It's of immense importance, too great importance to send to a committee first. That is the first thing that I would like to say.

We believe that this matter should be debated right here in this House. We have been relegating all matters to committees for too long; we are getting away, as I said the other day, from the whole idea of debate in this House. Debate in this House of the nature and the kind I see involves extensive preparation beforehand and extensive self-discipline and study, such as my friend from Lakeshore and others in this House engage in before they speak in this House. A subject of this great importance calls for the involvement of most of the members of this House in the debate and therefore the background work on their particular parts. We really believe that debate should be held in this House and that was what the section in the speech from the throne was meant to indicate. It was meant to state the government's general policies in this regard.

**Mr. Lawlor:** Useless and hopeless.

**Hon. Mr. Wells:** To say that a debate in this House is useless and hopeless is a very sad comment and I don't buy it. I don't buy that.

**Mr. Lawlor:** Debating it in the House in a formal way achieves nothing. It needs nice parsing.

**Hon. Mr. Wells:** A debate in this House on this very important subject, by well-prepared members, engaged upon as a debate and not a series of readings of prepared speeches, can be a very helpful thing.

This is what should happen and this is the government position; we stated it in the speech from the throne. We intend to put a resolution on the Order Paper. That resolution would have been on the Order Paper and the debate probably would have been held had it not been for the intervention of the federal election. With the agreement of all parties, we withheld the debate until this time. This House is now going to adjourn in a very few days and the debate will not be held now.

There also is a feeling that the use of the debate would be better served if it were closer to the Quebec referendum. We will

know, probably by the end of this month, when that referendum will be. At that time we can schedule the debate in this House next fall; that is the commitment of this government, to put the resolution on the Order Paper and to have a debate in this House next fall.

That debate can go for one day, two days, three days, four days, five days, one week, two weeks, or as long as it is necessary for this House to deal with this important matter. We feel that is important. It should not be a half-day or Friday morning debate, but a full-scale debate that will allow all members to express their opinions and then allow us to come to some conclusions, through a resolution—perhaps amended—that will say to the people of Canada and the people of Quebec, what this House believes. Then—and I give this commitment to my friend—if it is necessary to have a committee of this House set up to carry forward the thoughts that have been set in place from that debate, I think it is well and good that a committee be established at that time, but I do not believe that it should be established until after then.

My friend has brought out, and many members have mentioned, all the documents that are available. The Pepin-Robarts report is a good report. That task force listened to thousands and thousands of people across Ontario and Canada; its report should be studied by members. Our advisory committee's two reports are excellent and should be studied by the members. The British Columbia government has a good series of reports on its positions on constitutional reform. The Canadian Bar Association has reports. There are reports of the first ministers' conferences. There is a whole list of materials available, as I indicated the other day. I circulated that list to the members and told them, if they wished it, we would supply them with that material. Incidentally, as I indicated, only one member so far has asked for the material.

**Mr. Lawlor:** I asked for it, didn't I?

**Hon. Mr. Wells:** Yes, my friend asked for it the other day—quite correctly so. I might say that the one member who did reply asked for all the material; he said, "Send me everything." So obviously he is going to make a very valuable contribution to the debate when it ensues.

**Hon. Mr. Bernier:** Who was that member?

**Hon. Mr. Wells:** Who was he? It was the member for Cochrane South (Mr. Pope).

**Mr. Nixon:** He's not very busy.



**Hon. Mr. Wells:** The point I wish to make is that this material is available, and I think it is the kind of material that the members of this House can spend time studying and reading over the summer.

I also want to make the commitment that members of the staff of my ministry, and I know the chairman of our Advisory Committee on Confederation and others, would be happy to meet with members or caucus groups from this House at any time mutually convenient to talk about these particular matters so that everyone can be prepared for what we see as an important full-scale debate in this House. After that debate, as I say, if a committee is necessary, I give my commitment that we will seriously consider a committee at that time. But at this time we believe there should be a debate in this House.

I would further like to suggest again that perhaps you, Mr. Speaker, through the good offices of your staff and officers, would consider an exchange visit of the members of this Legislature with the members of the National Assembly of Quebec, perhaps including the press galleries. This would be an excellent way for us to meet. It doesn't have to be a social gathering completely, although there would be some social parts of it. But I think it would probably be one of the most useful things, next to this debate, that this House could do at this time, to arrange in the fall an exchange visit where we could meet both in the sense of an exchange of ideas and in a social sense. It would involve members from all parties in the Quebec National Assembly and members from all parties in this Legislature, and would be organized not by the government, not by one political party or another, but by you, Mr. Speaker. I hope you will consider that.

Those would be my feelings on this resolution; therefore, I guess, I am saying I don't think this resolution should be approved by this House at this time.

[5:15]

**Mr. Lawlor:** Manthorpe is right.

**Mr. Grande:** You just make use of committees when it serves your purpose.

**Mr. Conway:** Mr. Speaker, I rise to support personally the resolution of my good friend from Lakeshore and its co-sponsor whom I suppose is the member for Riverdale (Mr. Renwick). I do so with a great deal of interest and personal enthusiasm, though I do find some of the wording of the resolution interesting and I probably would not share in it entirely.

**Mr. Nixon:** Ponderous.

**Mr. Conway:** Not ponderous. Perhaps I will speak about that in a moment.

I was interested to hear from the Minister of Intergovernmental Affairs, for whom I have a great deal of personal respect in these matters. As I have said here before, he, over and above so many of his colleagues in the ministry, has led—and truly led—the debate as it needs to be led by political figures in this province. His record in Education is one about which I think he and many in this House have a great deal of which to be proud.

I was amazed, though, to hear what he had to say here today about why he would vote against the resolution. To some degree, I know what he says when he talks about this Legislature's growing desire to refer everything, including the time of day, I am sure, to some committee for its consideration. Although I must say that when 1,000 of us or thereabouts can congregate on the front lawn for hours on end, it perhaps is a comment on what our real role in the world is. I do not agree with him at all that this is a matter of such great importance that it should not be referred to a committee.

I think the committee has a real role to play in educating a select group of interested members who, I dare say, should not be paid the usual summer indemnity. I would be all in favour of making sure that every member of this committee does so out of interest and not out of any concern for the emoluments, whatever they may be at that particular time.

**Mr. Nixon:** That's an interesting proposal.

**Mr. Conway:** I am all in favour of a committee that would sit this summer, exclusive of the normal select committee emoluments, so great is the importance of this to me personally.

**An hon. member:** You would probably be the only one.

**Mr. G. Taylor:** Put it to all committees and then you have a deal.

**Mr. Conway:** I would be prepared also to accept that.

The minister says that all of us who are interested have the opportunity to survey the literature accordingly. I must say we are, unfortunately, not all as free and as available as we would like to be.

As one member who does have an interest, academically or otherwise, in this particular sort of matter, I deeply regret that the Rolph-ton matter, for example, has preoccupied so much of my time as the local member that I have not been able to go to the minister, request all of the information and spend great amounts of time reading it. I greatly regret



that my responsibilities as Health critic have precluded me from taking the time I might otherwise like to have to muse about the issues in this connection.

Mr. Nixon: When do you ever fit in your social affairs?

Mr. Conway: I have to say that my support for this resolution is based on the fact that we should have an opportunity to survey the literature in some good forum in some reasonable time to educate those who have an interest in this matter. As someone with an interest, I believe it would serve me as a contributing member of that debate, when it occurs, to have had the opportunity to hear various witnesses, to have reflected upon much of the evidence to which the minister has directed our attention and then to make a qualitatively better contribution, hopefully, to the debate. I believe, as he does entirely, that that debate should occur finally in this House so that all of us can go on record as stating our opinions and points of view.

All I am saying is that I believe, as one private member, that that expression of opinion would be qualitatively better because it would be qualitatively more educated. This committee should be struck to do what the member for Lakeshore has suggested it do because we debate the government's resolution at a time as close to the actual referendum as is possible.

The minister draws our attention to the fact that it is not the case for us in this House to debate major issues as we perhaps once did many years ago. Older members of my caucus inform me that that is a tradition which has faded around here and not too many important debates occur. Quite frankly, that is my impression. I am amazed at how little of substance this chamber directs its attention to. Really and truly, I think I can count on the fingers of one hand the major debates I have listened to on issues of a more than province-wide basis in this chamber, and I think that is to be greatly regretted.

I personally will never forgive the Premier for what he did a year ago on a certain private member's bill and not because I, as an oppositionist, couldn't understand why he might like to take that position. I can perhaps understand that strategically as well as many honourable members opposite, but what I did not like was his contempt of this chamber. What I resented was his unwillingness as the first minister to come into this chamber and to stand up. Granted, it was a private members' hour, and there are certain technical reasons why he might not wish to

engage ordinarily, but that was, as the honourable minister and most of us knew, no ordinary debate.

I was very unhappy and deeply disappointed the Premier did not come in, as many of his predecessors certainly did, and stand in his place and say to the members gathered, to the press assembled and to the population generally, why it was he would not support the initiative undertaken by certain members within. I did absolutely object to his style in that connection, because I do believe it leads to the downgrading of this chamber and the debate that ordinarily should take place within its four walls.

To reiterate, not that I would ever have happily accepted the Premier's position, but it would have been much easier for me to have sat in this seat and heard my Premier stand across the way and say why it was he could not accept the direction of honourable members. I think that would have been a much more honourable, a much more sensible and indeed a much more heroic position than the one he adopted, which I felt to be, as I said earlier, almost in contempt of this chamber.

Very briefly, I want to say I think the debate is important. We've studied everything from land drainage to the after-hours use of school rooms. We will gather this summer to look at the issues of the Education Act or the nuclear safety question, or the matters involving environmental assessment or whatever. Those are all important parts of our provincial mandate, but I think history may reflect upon us in this particular province, wherein I believe the real crisis of the resolution exists. As a private member, I do not happen to believe the separatist crisis exists across the Ottawa River. From my point of view, the real crisis exists here in the suburban heartland of southern Ontario. That's the kind of issue to which I would like to direct our attention in the committee.

I would be happy to support the minister's contention that the Speaker engage an exchange between members here and members in the National Assembly. I don't agree with the minister that we should diminish the social aspects of that particular encounter. I dare say history points out this beloved Confederation of ours was brought into being much more by the cocktail diplomacy of John A. Macdonald and his convivial Canadian compatriots when they finally found their way to Charlottetown that steamy September afternoon, than by the very austere, almost academic, antiseptic discussions that would otherwise take place.



I think the greater the conviviality, the greater the hope for a new tomorrow in this connection.

Finally, I want to say I think the resolution is timely and I think it is eminently supportable, because it will hopefully lead a select group of interested, involved members of this assembly to a much more educated view of the options that have been put forward by many of the groups to which the resolution makes mention. For that reason, I am happy to rise as a private member in support of the member for Lakeshore's resolution.

**Mr. Renwick:** Mr. Speaker, I rise to support the resolution placed by my colleague, the member for Lakeshore, and I welcome the comments made by my colleague, the member for Renfrew North in the consideration of this resolution.

I rise, really, with some degree of sadness, I suppose, or some degree of resignation, in a sense of defeat, about the resolution. I perhaps had thought there would have been a genuine sense of involvement of this assembly in the process of constitutional change in Canada, but that's not going to be. I see no likelihood of a change in the government by way of an election in the near future, so I, for one, do not anticipate and will not live in expectation that we will have any opportunity in this assembly for a consideration of the multitude of questions which have to be considered before we can have the kind of constitutional change which will be appropriate.

I know that Dana Fradon, one of the cartoonists for the New Yorker magazine, will allow me perhaps to plagiarize and paraphrase a cartoon of his which appears in the current issue of the New Yorker. It's a picture of the Ontario cabinet room. At the head of the table is the jovial Premier (Mr. Davis), bilious Bill. Down in the far corner there is, obviously, the provincial Secretary for Social Development (Mrs. Birch), and to the left of the Premier is the eager Minister of Industry and Tourism (Mr. Grossman). I see the Treasurer (Mr. F. S. Miller). I don't see the Minister of Intergovernmental Affairs, (Mr. Wells), he must have been away at the one cabinet meeting that the question of Confederation was discussed.

In the caption at the bottom of the cartoon the Premier says: "Then we're all agreed, as it has always done with its difficulties in the past, Canada will somehow find a way to solve its constitutional problems."

I would have liked to have had a small part to play in the "somehow." I really would have enjoyed the opportunity to have had a minor role to play in the way in which the constitutional change in the country was to take place.

Although I am a loyal Britisher, I don't happen to have a great deal of English blood in me as such so far as our family tree would indicate, so I don't subscribe to the view that we muddle on these issues. I'm quite satisfied that the Premier is one of the latter day advocates of that particular way of dealing with important issues. We never deal with them openly, we never deal with them up front, we never deal with them as matters which can be articulated with feeling about matters of significance to us; it's not his style.

In the cartoon there is also a picture on the wall. I had difficulty discerning whether it was George Howard Ferguson, whether perhaps it was George Drew, whether perhaps it was Leslie Frost. It certainly wasn't John Robarts, because John Robarts would have had his picture turned to the wall at what the present Premier is doing. If there was one thing, one area demonstrated in his co-chairmanship of the Pepin-Robarts report, and as indicated at the time when he was Premier of this province, it was his sense that you had to involve people in the vitality of the country as ultimately to be reflected within its constitutional framework.

[5:30]

But, Mr. Speaker, in the regression which is taking place in the Conservative Party as it tries to go back to the Ontario of 1940 with the small budget, the small problems, it seems to me that it is prepared to hold on to power in some kind of an intense grasp that makes them more and more frightened to deal at all openly and fairly in this assembly with the issues of the day. We see it every day in the absence of the Premier from any participation in the debates of the assembly. Once question period is over, no more do we see the Premier. What a contrast, even in the time I've been here—

**Mr. Eaton:** Nor your party's leader. Where is he?

**Mr. Samis:** Where is the cabinet?

**Mr. Renwick:** —to the way in which the former Premier, the only other one under whom I have been a colleague in the House, used to be in the House. The place was important then.

**Hon. Mr. Bernier:** This Premier spends more time in the House than any other Premier.



**Mr. Renwick:** I know I'm not allowed to attribute unavowed motives to anybody. I'm going to tread that narrow line of speculating about the motives which are involved in this.

One of the obvious things is that the government has achieved its purpose. It has so downgraded the issue of Confederation and national unity in the minds of the public of Ontario that it has no priority. That is default of leadership because the question is the most profound question to face this country. It is the other side of the economic problem. Many of the economic problems are worldwide and intransigent problems. Many of them are structured and many of them are part of the inadequate structure of Confederation in this country.

Let me speculate on another motive. He wants us all to agree with him about the somehow. We don't know what the somehow is, as to how we're going to solve the problem. We all must agree because we all must leave it to this egocentric Premier to have the luxury during the next election campaign, if it serves his purpose, to wrap himself in the flag as the only participant who can lead this province into his version of the future. That's another one. We've seen that one performed in a modest way before in the last election.

Let me try another one on. In a funny way, if he's intransigent in his position, he may solve a problem for a short time, but the problem will come up at a later time. He may not be here and we may not be here, but the nature of Confederation is such that it requires a continuing communication; just, I suppose, as all personal relations require continuing communication and continuous talk. There's no way in which this Premier ever talks any more or communicates about himself and his relationship to the leadership of the province.

Let me say again that he delights in the charade of public participation in an open conference at Confederation discussions in the centres of Canada, whether it's the Premiers' conference or whether it is the Prime Minister's conference of first leaders, pretending to be open. What has happened is that all of the decisions are made in that strange intellectual world of the academics and the bureaucrats, that's where the decision is now taking place. There isn't a public forum in the province of Ontario where the matters are discussed.

The solutions to constitutional problems aren't decided in open debate. I remember very well when the Premier very casually offered the then Prime Minister Trudeau correctional services in return for something else.

I rather shuddered at that time, because the present Minister of Consumer and Commercial Relations (Mr. Drea) was then the Minister of Correctional Services here and we all know the reputation of the federal government in the penitentiaries area. Under the present Minister of Correctional Services (Mr. Walker) I think maybe the inmates would be somewhat better off under the federal penitentiary system. But let me say, as a member of this assembly, in my private capacity as a member representing one of the ridings in the province, that I consider the exclusion of this assembly from participation in that ongoing process of constitutional change related to the question of national unity is one which I regret I will not be able to have an opportunity to share.

**Mr. McCaffrey:** Mr. Speaker, I will be speaking against the resolution. I apologize for not having had the opportunity to be here earlier to hear the comments and, I am certain, the important comments made by the previous speaker.

**Mr. Nixon:** You mean your minister?

**Mr. McCaffrey:** Did my minister speak on this as well?

**Mr. Nixon:** Just before he left.

**Mr. McCaffrey:** I have two or three matters I would like to share with the members about this resolution to try to make it as clear as I can why I am opposed to a resolution that would set up another committee.

I am trying to see this not in isolation from other matters which have been of real concern to me in the two years I have been here. One obviously is the number of committees we have been confronted with in those two years—and that has been the case in each of the recesses since 1977. Related to that is a concern about the relevance of this chamber and the lack of meaningful debate that takes place in this chamber. Those comments have also been made by members who have had a long stay in this Legislature.

I have heard people from both sides of this room talk about their deep concern that we are getting to the point where really meaty matters are debated, sometimes well and in depth, in committees; that, increasingly, substantive matters are not discussed in this chamber.

**Mr. Lawlor:** That is getting to be a red herring. That's just nonsense. Committees do good work. Certain things are better done in committee.

**Mr. McCaffrey:** The committees do outstanding work. One of the reasons I was late—and I share this with the member for Lakeshore—is that we just reported Bill 163,



which we will report back to the House next week. That is an illustration, I say in a non partisan way, of a situation where a great many people in this chamber made a tremendous contribution. I think that will be measured with the passage of time when we take a look at Bill 163 in here.

Quite frankly, big matters of principle like the continuation of rent control and tenant protection, all of those rather substantive and meaty matters of debate have taken place in committee room 1 for a period now of some five months, and all members of this Legislature have not had a chance to speak in this room on some of those very relevant concerns.

I think I could say, on behalf of the 15 MPPs on that committee, that a lot of substantive material was covered and a lot of substantive principles were spoken to. It is a sadness of mine that people in this chamber, members preoccupied on other committees, did not have an opportunity, on some of the evenings we sit around here, to speak to the questions. I have said this before. As a private member I made a presentation to the procedural affairs committee on this. In my judgement, it is sad that I have never had an opportunity to hear the member for Lakeshore talk about the matter of affordable housing. I have never heard his views on the matter of tenant protection in Ontario.

**Mr. Lawlor:** It wasn't because I was in the House; I was in another committee.

**Mr. McCaffrey:** Quite frankly, I could live without having heard the member for Lakeshore share some of those experiences but, very selfishly, I would like to hear the member for Lakeshore's personal position on the matter of Confederation, on the state of the constitution, because he has been here for a long time and he has a great reputation. Anyone who can write poems is someone I take seriously, and I would like to have the opportunity to hear his views.

If I were so lucky as to be named a member of that committee, it would be something I would relish. Quite frankly, it would be like doing postgraduate work on the public purse. For personal reasons, there is nothing I would rather do.

**Mr. Conway:** I'd make sure you weren't chairman; I'll tell you that.

**Mr. McCaffrey:** I have discussed this with the member for Lakeshore's colleague the member for Scarborough-Ellesmere. In this particular issue, more than in most other issues we have been preoccupied with around here in various committee rooms, this is the room in which such a debate should take place. I

personally think the time should be set aside, whether it's in a matter of weeks or months it matters not at all to me and I don't think it would matter to the House leaders, but this chamber, which is really the one visible room with which the 8.5 million citizens in this province can identify, is the forum to discuss this matter. The public gallery, in my judgement, could be well utilized every night if we opted to sit every night on this.

I am opposed to a committee because by naming a committee, select or otherwise, the minute it is named then it effectively cuts off other duly-elected members of this room. It keeps them from making the kind of contribution they are not only entitled to make but that they have a responsibility to make on this issue. This effectively cuts them off; just as the member for Lakeshore was effectively cut off from making the kind of contribution he is capable of making in the rent review committee. Because of the rigidity of the committee system and the lack of bodies to man them, he really didn't have the opportunity I am sure he would have wished—and I, selfishly, as a private member would have wished him to have—to speak in that committee.

It's critical that we discuss this matter, dealing as it does with the very substance of the future of Canada, the substance of this government's position vis-à-vis Confederation. It's critical in my view that we discuss it in this room in as public a way as we can. If there ever was a topic that demanded intelligent use of this chamber it's this topic, in my view.

Some weeks ago, I asked for an opportunity to speak as a private member to the procedural affairs committee. At that time I did share some of these concerns; I didn't know about this resolution but they were concerns in a more general sense.

It's a frustration for me, from time to time, when I never know whether we're going to sit on a Tuesday or a Thursday or if it's going to be the Monday. I can live with those kinds of concerns. As a private member I sometimes have difficulty knowing what issues we are going to discuss next week, but that's something I can cope with, but what on earth does my confusion mean when one gets to the 8.5 million other citizens who haven't got a clue what we will be addressing ourselves to even a week or two in advance. The point I made in the procedural affairs committee and, I think it's just criminal, is that we can all find out what's on channel seven a week in advance and we don't even know what's going to be discussed in this room as far in



advance as we might like to, which is something citizens should be entitled to know.

This room could be used in a more creative way. Public submission, I really believe—the member for Scarborough-Ellesmere and I have talked about this—could be made right in this chamber. There are ways one could cope with this.

We talk about the relevance of this place, the relevance of the committees, the relevance of the time we set aside for debate. Heavens, most of the time we're just concerned about our own scheduling and whether we can man the committees or whether we're going to have sufficient people here for evening debates and possible votes. All of this is quite irrelevant in the context of the citizens of Ontario knowing what we are discussing, when we are going to discuss it, and taking advantage of the opportunity to be here in person if they can, or to make representation to their own member when they can about a matter that's going to be debated in here. My major point is that we have to work harder at making this chamber relevant.

I feel very strongly about opposing this resolution, primarily for that reason. It's not just that it sets up another committee, that isn't the major reason. It's the nature of the topic to which this committee would be addressing itself. Nothing is more public than this room, nothing should be used in an open visible way more than this room.

It's incumbent upon all of us, I think, to vote against the resolution and against the establishment of this committee; but we should urge our respective House leaders to find the time, be it in the fall or in the spring—the government is in the best position to make those timing decisions I believe—to use this room effectively. I think the debate must be here, timing will be left to the government. The Premier is in the best position, I think, to judge those other sensitive matters he has to concern himself with, but not that it be done in a committee.

Thanks, Mr. Speaker.

[5:45]

**Mr. Nixon:** I am interested to note there are so many members in the House at the present time, because, Mr. Speaker, you will recall when this debate began, when the mover addressed the House to begin with and the minister gave his objections, there were only about five people here. The minister was all alone; there may have been two or three NDPs, two or three Grits, and yourself or perhaps your assistant. The idea that we are now gathering a few people to my mind is appalling in that they are just coming

in to stand up to block the possibility of having this committee.

The member for Armourdale (Mr. McCaffrey) said every member here should get up and vote against it. It's certainly his right to urge his colleagues and those of us on this side so to do, but surely if we had an opportunity to vote for it so those members who have taken part in the debate and feel strongly about this would at least be able to affect the outcome, then that's democracy and that's healthy.

The member for Armourdale was saying if we just have a debate in the House in the fall we can have people come in here and make submissions to us. Maybe that's so.

The rules don't permit it but the member for Lakeshore was talking about Eugene Forsey and Max Cohen and John Robarts and others. They are not going to sit in some funny little chair and speak to us in this House.

We should have a committee. We can go to the Amethyst Room, Mr. Speaker, the room you named. It's fully equipped with all of the electronic devices so the views of not only the members but of our learned and able witnesses would go on file.

The thing I fear, when I look at the speech from the throne, on page 12 of Votes and Proceedings number one, is that it says: "The government places a caution unequivocally before the citizens of this province and of Canada as a whole: namely, that Ontario will not negotiate sovereignty association with the government of Quebec." I think everybody here would be prepared to support that. But that debate, when we come to it in the fall—since it looks, from the presence of the government House leader, with that glassy eye he sometimes affects, that they are going to stand up and stonewall this blooming thing—that debate is going to be restrictive. It is going to be, capital "P", political, in the sense the Premier and his colleagues will get up with a ringing denunciation of sovereignty association and the separatist movement without talking about, as we all should, the positive aspects about what we, as a province, together with our sister provinces and the government of Canada, should be doing about national unity.

Really, the only other thing mentioned here of any interest is that the Conservatives, as well as all of us, are in favour of the preservation of the monarch as the head of state. I can hear ringing speeches about that, if the debate takes place here rather than in a committee where we are able to assure the monarch of our continuing love and support but at the same time look at the distribution



of powers, and even recommend that the government of Canada take over some responsibility for natural resources dealing with energy.

Why should the government of Canada have total control of Ontario's uranium when the other energy resources at other provincial levels are under provincial control, and to the benefit of provincial treasuries? I am speaking as an individual in this, but I have put this forward many times. I am afraid if the debate progresses, as it appears the Conservative Party through its numbers is going to insist in a few moments it will, I am afraid that the debate will in fact simply become a rehash, a rethrashing of the old political straw we have heard from that side so often.

No wonder constitutional debates are boring. No wonder no one comes into this House or into the galleries or anywhere else to observe and take part in a constitutional debate, since the leaders in the debate from the government side simply insist on going through that old refrain about the preservation of a strong central government, preservation of a union which insures free movement and the preservation of the monarchy. My God, let's get down to discussing what we can do as a province, and in my view the leading province, to assist our fellow citizens in Quebec and in Alberta and elsewhere to a strengthening of Canadian unity with the reapportionment of powers, the patriation of our constitution and a move forward. Let's get away from the rhetoric, let's get down to an examination which is going to be meaningful and significant.

I submit to you, Mr. Speaker, that if we do not have a committee review of the type envisaged by the member for Lakeshore, then what we will do in this House will be a farce. It may be a two-day farce in the fall, but in fact it will simply be a beating of the breast in order to make some political point with Quebec as they approach their vote.

We could do something far better than that, and I would certainly admonish my friends on the Conservative side to at least have a free vote here. This is supposed to be private members' hour. I resent the honourable members getting up and sort of stating government policy in that respect. Let's listen to the arguments and let's vote as private members, and let's vote to have a committee on national unity.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

The following members having objected by rising, a vote was not taken of Bill 106:

Auld, Ashe, Bernier, Cureatz, Drea, Eaton, Elgie, Gregory, Grossman, Henderson, Johnson, J., Lane, Leluk, MacBeth, Maeck, McCaffrey, McNeil, Newman, W., Parrott, Pope, Ramsay, Rollins, Rotenberg, Sterling, Taylor, G., Villeneuve, Watson, Welch, Wells, Williams, Wiseman—31.

#### NATIONAL UNITY

The following members having objected by rising, a vote was not taken on resolution 23:

Auld, Ashe, Baetz, Bernier, Cureatz, Drea, Eaton, Elgie, Gregory, Grossman, Henderson, Hodgson, Johnson, J., Kerr, Lane, Leluk, MacBeth, Maeck, McCaffrey, McCague, McNeil, Newman, W., Parrott, Pope, Ramsay, Rollins, Rotenberg, Sterling, Villeneuve, Walker, Watson, Welch, Wells, Williams, Wiseman—35.

#### ELECTION CONTRIBUTIONS AND EXPENSES

**Mr. Speaker:** Pursuant to the provisions of section 70a(3) of the Legislative Assembly Act, I have laid on the table a report from the commission on election contributions and expenses.

The House recessed at 6 p.m.



## APPENDIX

(See page 2887)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## ELECTROSHOCK TREATMENT

**205. Mr. Breaugh:** Further to my question on the Order Paper number 45, would the Minister of Health state the actual number of patients who received a total of 825 electroshock treatments in 1978? Would the minister state the number of women and men who received these treatments, and what was the average number of treatments received by sex in total? [Tabled May 29, 1979.]

**Hon. Mr. Timbrell:** As an amendment to Order Paper question number 45, the total number of people receiving electroshock treatments in 1978 was 613 and not the previously cited number of 825.

There were 306 males and 307 females; average number of treatments/person, 8.03; average number of female treatments, 8.58; average number of male treatments, 8.02.

## MENTAL HEALTH LEGISLATION

**206. Mr. Conway:** Will the Minister of Health advise the House as to which sections of Bill 19, An Act to amend the Mental Health Act, are not proclaimed? In each instance, will he give: one, a detailed explanation as to why each unproclaimed section has not been proclaimed, and two, the approximate date he expects each unproclaimed section to be proclaimed. [Tabled May 29, 1979.]

**Hon. Mr. Timbrell:** Sections 28(1), 28(2), 29 and 30 have not been proclaimed. For 206(1) and (2) refer to ministry response for Order Paper questions 46 and 47.

## WESTON ROAD PROJECT STUDY

**212. Mr. Duksza:** Will the Minister of Transportation and Communications table the detailed traffic study of the impact of widening Weston Road and its implications for traffic south of St. Clair Avenue, a study promised in the technical report describing various alternative alignments in 1977? (P. B-9, Northwest Metro Arterial Street—Eglinton Avenue to St. Clair Avenue: Stage II—Route alternatives—Technical Summary—Ministry of Transportation and Communications—March 1977). If such a study has not yet been completed, will the minister indicate why his ministry is considering building a new road connecting Weston Road and St. Clair Avenue by extending Maybank Avenue and the Lambton Spriar Bridge without such

a traffic impact study? Will the minister indicate if it is the policy of the ministry to extend major highways such as the 400 into residential neighbourhoods without doing a traffic study to assess traffic impact and costs on effected areas? [Tabled May 31, 1979.]

**Hon. Mr. Snow:** It is the ministry's practice to apply available information and expertise to the route selection process. Depending upon the circumstances, this may or may not require a formal traffic study in the sense suggested by the member's last question. However, as indicated in the answer which follows, much relevant traffic information was available and brought to bear on the route selection.

The statement from the technical summary of route alternatives published in March 1977 referred to in the question was made at the time when routes considered for the north-west Metro arterial were those which extended to St. Clair Avenue or just north of St. Clair Avenue on a new right of way and split into two new roadways—one leading to Weston Road and the other to Old Weston Road. The ministry, recognizing that these routes with higher traffic carrying capacity could have an impact on traffic patterns south of St. Clair Avenue, indicated that further traffic study south of St. Clair Avenue was desirable before a decision was made.

Following negotiations with officials of municipalities and other agencies, it became obvious that either a route to St. Clair Avenue, or the "split route" options, were not feasible because of the implications of having to share railway and hydro rights of way.

Under these conditions and after selecting a route terminating at Weston Road about one mile north of St. Clair Avenue, the ministry considered that the study on potential traffic pattern changes south of St. Clair Avenue would provide no meaningful additional information. The rationale is that traffic flows across St. Clair Avenue, as generated by roadways north of that arterial in the Jane Street/Keele Street corridor, cannot exceed those controlled by the existing traffic signals at Weston Road and Old Weston Road which will remain in operation after the proposed centre left-turn lane is constructed at Weston Road. The proposed eight foot widening of Weston Road, from the existing 46 feet to 54 feet, to provide a left-turn lane, will basically improve the level of service of traffic operations and safety along this arterial street.

Since the area north of St. Clair Avenue, in the Jane Street/Keele Street corridor, is in



a mature state of development, we believe traffic demands to St. Clair Avenue and points south will be approximately the same regardless of the proposed Weston Road improvement.

With respect to the extension of Maybank Avenue to link with Weston Road, this improvement was requested by Metropolitan Toronto, the city of Toronto, the borough of York and area residents. The purpose of the extension is to alleviate potential traffic congestion at the Weston Road/St. Clair Avenue intersection.

The Maybank Avenue link will provide an alternative bypass route to the intersection for traffic oriented to and from St. Clair

Avenue West and will improve transportation services to the meat processing and packing industries located in that vicinity. For these reasons, the Ministry agreed to construct the Maybank Avenue extension.

#### LAKESHORE PSYCHIATRIC HOSPITAL

**213. Mr. Lawlor:** Would the Minister of Health table all reports which he has received from Dr. Lynes' outpatient transfer committee regarding the closing of Lakeshore Psychiatric Hospital? [Tabled May 31, 1979.]

**Hon. Mr. Timbrell:** As requested, I would like to table the report received from Dr. Lynes' outpatient transfer committee.



Community: Peel*		
Name	Auspice	Description
North Peel Residential Support Program	Peel Regional Health Unit	To provide short term, transitional residential accommodation for discharged psychiatric patients in order to facilitate reintegration into the community and to prevent rehospitalization.
Crisis Intervention Team	Mississauga Hospital	To provide immediate around the clock crisis intervention to individuals in severe distress.
Community Mental Health Centre	Mississauga Hospital	To provide day and evening programs to persons with socio-emotional problems in a community setting. The program includes short term intensive therapy, brief transitional therapy and long-term maintenance care.
Alternate Housing (Phase I)	Mental Health Peel	To promote an optimal level of adjustment and maintenance of the client in the community by providing support in basic life skills, socialization and the use of community resources in the context of a transitional residence.
Comprehensive Psychiatric Outpatient Program	Peel Memorial Hospital	To provide a wide range of outpatient psychiatric services in North Peel including medication maintenance, group therapy and social/recreational counselling.

\*Unranked by the community subcommittee



Community: Etobicoke*		Auspice	Description
Name			
Crisis Centre	Etobicoke General Hospital		To provide immediate care to individuals in severe distress includes hospitalization if deemed necessary.
West End Club	Community Resources Consultants		To expand the activity centre for socially isolated adults in order to facilitate reintegration into the community.
Opportunity for Advancement	Opportunities for Advancement		To provide a preventive mental health program for high risk mothers by raising their self-esteem and helping them make realistic plans for their futures.
Friends and Advocates	Friends and Advocates		To provide support and friendship to those recovering from mental illness through a one to one relationship with a community volunteer. An active recreational and social program is useful in providing additional support to both volunteer and partner.
Etobicoke Mental Health Services	Community Board (to be formed)		To co-ordinate the mental health services in the community and to be actively involved in the development of mental health programs. To provide day care to individuals who need support in the areas of socialization and vocational training. To provide outpatient and home care.

\*Unranked by community subcommittee



## Community: Borough of York\*

Name	Auspice	Description
Comprehensive Rehabilitation Services	Community Agency Council	A rehabilitation service for the chronic psychiatric patient 18-45 years who can benefit from retraining in daily living, social, recreational and vocational/educational skills. The program is based on the proven Rehabilitation Through Education Program at George Brown College.
Keele Street Women's Group	Mental Health York	A socialization and life skills program operating 2 days a week for women who have had psychiatric hospitalizations. The program aims to help these women with reintegration into the community and to prevent readmission.
Breakthrough	Mental Health York	A rehabilitation and education program operating 1 day a week for Italian speaking women who have had psychiatric hospitalizations. The program aims to help in reintegration into the community and to prevent rehospitalization.
Psychogeriatric Services	West Park Hospital and COLA	A consultative service for professionals working with people with psychogeriatric problems and a rehabilitation and prevention program for the same population.
Community Psychiatric Services	Northwestern Hospital	To provide an assessment service for new referrals and a follow up clinic for formerly hospitalized individuals.
Day Hospital Expansion	Humber Memorial Hospital	To provide an extensive day therapy, including group and occupational therapies as well as relaxation and leisure skills to an increased number of clients.

\*Programs presented in order of community priorities



Community: North York*		
Name	Auspice	Description
Progress Place	Mental Health Metro	To provide socialization and support to psychiatrically disabled persons in order to facilitate re-entry into the community and to prevent rehospitalization.
Co-ordination of Mental Health Services Club North York	North York Inter-agency Council Community Resources Consultants	To co-ordinate the diverse aspects of mental health service delivery in the city of North York, To provide a social-therapeutic, recreational program for socially isolated adults recently discharged from psychiatric facilities or coping with emotional problems in the community.
Public Health	North Board Board of Health	An additional public health nurse is required to cover the increased case load and family support.
Life Skills Program	YWCA	To provide training in the areas of day-to-day living skills, socialization, leisure and vocational problems for socially isolated adults.

\*Programs presented in order of community priorities

Community: Toronto City*		
Name	Auspice	Description
Parkdale Activity Centre	Parkdale Activity Centre Incorporated	A social/recreational program, operating six days and evenings per week for socially isolated individuals, it also offers extensive life skills programming and a housing co-ordination service.
Regeneration House	Regeneration House Incorporated	A rehabilitation program including housing for former psychiatric patients with staff on site during days and evenings but not living in.

\*Programs presented in order of community priority



### WHITBY PSYCHIATRIC HOSPITAL

**218. Mr. Breaugh:** Would the Minister of Health inform the House what plans have been made for community involvement in the planning process for the rebuilding of Whitby Psychiatric Hospital? What groups and individuals have been invited to participate in the planning process, and what role have they had to date? What efforts are being made to identify other concerned community groups and professionals and other individuals? [Tabled June 1, 1979.]

**Hon. Mr. Timbrell:** A meeting will be held in the near future as part of the planning process for the rebuilding of Whitby Psychiatric Hospital. Both Mental Health Durham and the district health council are invited to participate, and terms of reference will be developed at the first meeting which will examine means by which concerns of community groups, professionals and other individuals can be addressed.

### OECA PREMISES RENTS

**219. Mr. Mackenzie:** Would the ministry please indicate the rental paid by the Ontario Educational Communications Authority at 2180 Yonge Street and the total space rented? [Tabled June 1, 1979.]

**Hon. Mr. Baetz:** During 1978-79, the Ontario Educational Communications Authority rented a total of 100,215 square feet of space at 2180 Yonge Street, Toronto, at a cost of \$715,467.50, an average of \$7.14 per square foot. It has been estimated by an established Toronto real estate firm that rental of comparable space today would cost between \$10 and \$12 per square foot.

### OECA EQUIPMENT PURCHASES

**220. Mr. Mackenzie:** Will the ministry investigate the reason why OECA purchased

two miniature cameras "electronic field production units" at approximately \$80,000 apiece, fully equipped, which for three to four months were largely unused, while they continued to rent such equipment at \$600 per day? [Tabled June 1, 1979.]

**Hon. Mr. Baetz:** The two cameras were delivered to the OECA for engineering acceptance tests on March 26, 1979. It is standard industrial practice to conduct extensive technical tests on all electronic equipment prior to acceptance of such equipment. The tests, using sophisticated test equipment and test procedures, are designed to prove that the equipment meets both the supplier's published performance specifications and OECA tender specifications. Both cameras were accepted; one was released for service on April 6, and the second on April 18.

Since being placed into service the cameras have satisfied OECA's production requirement for three cameras of this type to meet the needs of two separate productions, and one camera had to be rented.

### OECA UNION MEMBERSHIP

**221. Mr. Mackenzie:** Will the ministry adequately explain why at OECA there are only 184 staff eligible for union membership while there are 207 persons in management? [Tabled June 1, 1979.]

**Hon. Mr. Baetz:** At May 31, 1979, there were 191 persons on staff in positions designated as being within the bargaining unit and 189 persons in positions designated as non-union by the Ontario Labour Relations Board. It should be noted that the definition of the staff bargaining unit is the result of an agreement between OECA and the bargaining agent (National Association of Broadcast Employees and Technicians). This agreement has the approval of the Ontario Labour Relations Board.



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No. 72

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, June 14, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

THURSDAY, JUNE 14, 1979

The House resumed at 8 p.m.

## SELECT COMMITTEE ON ONTARIO HYDRO AFFAIRS

Resuming the adjourned debate on the motion for adoption of the interim report of the select committee on Ontario Hydro affairs, dated May 24, 1979 re: NPD reactor at Rolph-ton.

**Mr. MacDonald:** Mr. Speaker, I am awed by the proportions of the audience I have, both in front of me and behind me at this point, but only momentarily so.

I want to briefly give what I would describe as a bit of an overview with regard to this report from the select committee on Ontario Hydro affairs dealing with the Rolph-ton station. For the most part, but not totally, I shall refrain from dealing with the specifics of the NPD station, but it seems to me there are a number of other related aspects in connection with the committee's work in this report that it would be useful to bring to the attention of honourable members as they are considering the vote they will have towards the end of this evening, hopefully a majority vote to respond to the majority request of the committee.

**Mr. Hennessy:** The chairman is not biased.

**Mr. MacDonald:** Is the member for Fort William interrupting even before I get started? He is not in the north, he is down in the civilized south. He should just relax.

**Mr. Nixon:** Quit fooling around.

**Mr. Hennessy:** Say that when you come up north.

**Mr. MacDonald:** Mr. Speaker, on May 24 the minister spoke with regard to what is described in Hansard as "nuclear plant safety." Let me give three brief comments by the minister in that ministerial statement. He said: "Yesterday the select committee on Ontario Hydro affairs passed a motion that the government direct Ontario Hydro not to reopen the Rolph-ton NPD nuclear generating station until such time as the committee had finished its review of nuclear safety matters."

A little later: "Rolph-ton is currently shut down for routine maintenance. The maintenance is not related to the emergency core cooling system."

Finally, he concluded: "If the control board"—the Atomic Energy Control Board—"determines that the concerns being expressed"—namely the concerns of the citizens of North Renfrew—"have any validity, we have been assured that it will take the necessary steps to see that any deficiencies are corrected. This will not require any action by the government as Ontario Hydro will automatically comply with any order issued by the control board." In other words, what the minister did was in effect opt out of the situation and say that normally Ontario Hydro responds to the orders and directions of the Atomic Energy Control Board. Therefore, in this instance they were going to treat it as a normal case; if the control board gave them permission to open again the government wouldn't intervene.

I have two comments I would like to make with regard to the minister's statement. The first one is by way of a protest. If my tone is relatively quiet, it hides a growing indignation with regard to this minister's practice in relation to this committee. What the minister did was to come into the House and give a ministerial statement which repudiated the substance of the report that was going to come from the committee before that report had been formally presented to the House. Presentation of reports comes after ministerial statements, and I, on behalf of the committee, wasn't able to make that report until an hour or so after the minister had repudiated it in advance.

If this had been the only time this had happened I would ignore it. I'd say it was a momentary aberration on the part of a minister who is normally rather co-operative and congenial in his approach to fellow human beings and other agencies within the Legislature. But it is at least the second time. Last fall, the select committee brought in a recommendation that half of Bruce heavy water plant D should be stopped and stored, and the other half should be finished and that the government then consider what it would do, commission it or mothball it at that point.

Everyone knew, because the select committee has always operated in a totally open fashion, what our decision was in the latter part of September or early October. The House didn't open until October 24. There



was no opportunity for myself on behalf of the committee to report that to this House. Yet in the intervening period the minister, with a speech that I would like to believe was written by somebody other than himself because it didn't sound in character, delivered to the Hanover board of trade—

**Mr. Nixon:** His deputy is a great speech-writer.

**Mr. MacDonald:** —or chamber of commerce, repudiated what the committee was going to report when it got a chance to report. In fact he not only repudiated it, he rather contemptuously repudiated it.

**Hon. Mr. Auld:** No, no.

**Mr. MacDonald:** He said these people who gloom and doom—

**Mr. Nixon:** These Jeremiahs, he called them.

**Mr. Ashe:** That's one right behind you.

**Mr. MacDonald:** That's the word I was looking for. These Jeremiahs in the province who don't think—

**Mr. Hennessy:** Speak for yourself.

**Mr. MacDonald:** —we can play a role in producing more heavy water so that it will be running out of both ears and not just one ear—that was the prospect—and therefore we would be in a position to make our contribution towards selling Candu reactors all across the world.

**Mr. Nixon:** If they could only get the boilers right.

**Mr. MacDonald:** We all know what happened. The minister gradually had to retreat from that rather ill-conceived and ill-judged position. Some 10 weeks after he made his statement, Hydro pulled the rug out from under him completely and did precisely what the committee requested. So the minister, if I may lapse into the vernacular, made a bit of a fool of himself by repudiating the committee's recommendation in advance.

**Mr. Haggerty:** He's got his wires crossed over there.

**Mr. MacDonald:** I just want to say to the minister it isn't cricket to make a practice, as he has done consistently so far since taking over this ministry, of repudiating the reports of select committees before there is a chance to present them formally to the House.

That's just by way of a therapeutic exercise. I feel better now that I have chastised the minister.

**Mr. Hennessy:** Well, sit down.

**Mr. MacDonald:** Let me get down to a more substantive comment. When the minister made this statement on May 24—I don't know what happens on occasion, indeed I am

not only intrigued, I am totally baffled by what happened between this ministry and Ontario Hydro—the report the minister gave was grossly incomplete and inaccurate. To argue that it was accurate would really be manipulating the facts.

What the minister said was that, "Rolph-ton is currently shut down for routine maintenance. The maintenance is not related to the emergency core cooling system." Interestingly enough, the minister this afternoon, I thought a little self-consciously, sort of got the record up to date before this debate by a ministerial statement in which he told us all that had happened at Rolph-ton; but I am puzzled as to why the minister was not told in the first instance what really had happened in Rolph-ton so that he did not unwittingly mislead this House and the public.

If I may borrow from my good friend from the north, the member for Fort William —

**Mr. Hennessy:** We're not friends.

**Mr. MacDonald:** Last January, our sessions were started with a characteristically delightful outburst from the member for Fort William to the effect that Hydro had misled and manipulated—hung out of dry, so to speak—one Minister of Energy after another, by misinformation or incomplete information. He was really uttering a cry of protest on behalf of Ministers of Energy who had been—

**Mr. Hennessy:** I don't know what those words mean. You're just putting words in my mouth now. I can't even pronounce those words.

**Mr. MacDonald:** I am just giving an erudite translation of what my friend said.

**Mr. Hennessy:** That's not the way I said it. You're embarrassing me.

**Mr. Nixon:** Don't let him misquote you.

**Mr. MacDonald:** In short, without going any further, I hope the minister has found out why he was given such incomplete information. One of the things we are attempting to do in this committee, not only with regard to Rolph-ton but generally, is to restore, to the extent that it is possible, Hydro as part of the nuclear establishment out in the public, where the nuclear establishment is having a tough battle to retain its credibility these days—indeed, so much so that the Premier delivered what the CBC news described as a tough lecture to them just a couple of nights ago.

I hope never again will that kind of thing happen where the minister is fed information that is incomplete, if not inaccurate—or incomplete to the point that it becomes inaccurate—when he is reporting to this House.

Let me move from that and more to the substance of the issue. I hope the House



realizes that the NPD station at Rolphton is a demonstration station. It was the first station that was commissioned and put into operation in Ontario, in 1962. It produces 10 megawatts of power.

**Mr. Haggerty:** I thought it was 20.

**Mr. Ashe:** As usual, the NDP have half their facts.

**Mr. MacDonald:** Is it 20?

**Mr. Hennessy:** Twenty megawatts. Sure.

**Mr. MacDonald:** Is it 20?

**Mr. Hennessy:** Sure.

**Mr. MacDonald:** The member corrects me. It is 20 megawatts of power.

**Mr. Ashe:** It is 22.5 megawatts, to be exact.

**Mr. MacDonald:** Okay. Don't nitpick for a moment. It is 20 megawatts of power, as compared, for example, to a Bruce or a Pickering, which is producing 3,000 megawatts or more with four reactors in each instance. In other words, the amount of power being produced at Rolphton is so inconsequential as to have no impact at all on the generation of power by Ontario Hydro.

**Mr. J. Reed:** Especially in the summer.

**Mr. MacDonald:** At any time. We all know, for example, that in Ontario at the moment we have an excess generating capacity of something like 20 per cent. Beyond our peak load and the necessary reserve of 25 per cent, we have an excess generating capacity of something between 3,000 and 4,000 megawatts. The 20 megawatts that Rolphton produces is inconsequential. We could shut the station down for ever and, as far as the grid is concerned and the power flowing through the grid and meeting the needs of the people of Ontario, it would have no consequence at all.

Secondly, generally speaking, Hydro's generating stations have a very credible record in terms of the generation of power. In fact, at one time we were given a table, and among the first five stations in the world one will find two or three of the stations are in Ontario. They have mastered the technology, they have been able to cope with the technical problems and they are producing power at a larger percentage of capacity than virtually any other station in the world. That cannot be said of the NPD station at Rolphton.

Indeed, without getting any further into it now—I will leave it to other members of the committee to deal with this, as I am sure some will—the documents we now have with regard to the Rolphton station for the future

activities of the committee indicate that there were 18 shutdowns at Rolphton in 1978. Three of them were for maintenance and 15 of them were forced outages.

[8:15]

Translated into the vernacular, that means they were not intentionally shut down but because of some sort of emergency. That is a record which is a pretty appalling record by comparison with the rest of Hydro. We now discover too that not only were they shut down for maintenance in this instance, but they were shut down because there was a radioactive leak in the emergency cooling system. Other authoritative voices say that there were other rather serious problems.

In short, we don't need the power, and secondly, Rolphton is not the kind of station that we should be proud of in terms of its record. I would suggest that we have nothing to lose in that loss of power and we have everything to gain in terms of a clear-cut willingness on the part of this government to maintain in a shutdown condition, which it is now, a station whose record is so questionable at a time when we're attempting to build a greater measure of confidence on the part of the general public with regard to our concerns for nuclear safety.

Let me make a final point. As I indicated earlier, the government has sort of opted out of the situation, taken refuge behind the Atomic Energy Control Board and said, "The decision normally is with AECB and we shall leave it with AECB in this instance. If they authorize Rolphton to start up again, it will. If they don't, it won't. We're out of the picture."

This raises another interesting problem which the select committee hasn't had a chance to get into as yet; that is, exactly what is the working relationship between Hydro as the operators of generating plants and AECB? As everybody knows, the committee had an opportunity a few weeks ago to take a look at seven of the significant-event reports that were presented to the world by courtesy of Mr. Schultz.

As we examined those significant-event reports it was unclear as to exactly where AECB was in the picture. We know that at every plant there is an AECB representative, and presumably he knows everything that happens as quickly as it happens. We know that if it is an abnormal event or a significant event—a variety of words and categories that are used at Hydro—they have to report to AECB, and sometimes they report beyond what they really need to report. But AECB's



reaction is not indicated in the significant-event reports. We haven't had the time to examine all the documents which are just now flowing to the committee. One of the things I think the committee wants to take a look at is that working relationship. What is the give and take between Hydro and AECB when there is an event, significant or abnormal or whatever they may want to call it?

I suggest there is an analogy here that I will draw to the attention of the House for a moment's reflection. Within the last two or three weeks in the North American continent, we have gone through a pretty traumatic event in terms of an airplane crash in Chicago, the DC-10, and the role of the regulatory agency in connection with that, the Federal Aeronautical Agency in Washington. That is an agency which, it is alleged, has tended to be a little bit too soft and not scrutinizing enough in terms of regulation. Certainly in this instance the record speaks for itself, because within a matter of hours, a day or so after the DC-10s had been grounded, they were put back into flight.

Then, upon more careful examination, they discovered there were cracks in certain areas of the framework where the engines were mounted. They were all grounded again and we know that they have been grounded throughout most of the world ever since then. It raises a little bit of a shiver for those of us who use planes rather regularly and assumed that the examination and the imposition of regulations by the authority were very stringent, when we now discover there have been cracks that have been there for quite some time, cracks that weren't normally detected and cracks that weren't detected in the first review of the situation after the crash. It took the second or the third review before they got it.

I don't want to pursue that analogy any further than to say this: I think that incident has raised in the minds of many people who are critical of the nuclear industry a question as to whether or not the AECB has appropriate standards; whether or not it is enforcing those standards; whether the supervision is adequate in all instances.

Rolphton's power is not needed for the system. It's record is pretty shoddy and problems with regard to safety of workers in the plants and possible lack of safety for the public are constantly being raised. There's a very strong case for the government to respond to the majority report of the committee, which has suggested to the government that we order this station maintained in a shutdown condition until the committee has had an opportunity, for the first time in this

country, to go into a thorough public inquiry into all matters of nuclear safety and make some recommendations as to how the situation can be improved so that we can at least still something of the growing apprehension in the general public.

I conclude by saying I think the case is fairly solid for honourable members of this House to respond by a majority vote in the House, as there was in the committee, for the maintenance of that station in a shutdown state.

I recognize that after we have given an instruction to the government by a majority of this House it can, if it wishes, defiantly ignore it; and Hydro can ignore it. I hope that won't happen.

**Hon. Mr. Auld:** I'm pleased to participate in this debate this evening. I must say I was interested to hear the member for York South discussing airplane catastrophes and that sort of thing in relation to what we're discussing tonight.

**Mr. MacDonald:** The role of regulatory authorities.

**Hon. Mr. Auld:** I really don't think they quite relate.

**Mr. MacDonald:** The role of regulatory authorities is the problem.

**Hon. Mr. Auld:** Yes, and what do we do about Labour Day weekend on the highways, I suppose.

However, before I deal with some of the issues arising out of the motion itself, I believe it would be useful for members if I provided some background information about the Rolphton nuclear generating station generally, and about questions which have arisen over the past few weeks with respect to its operation specifically.

Rolphton is a 22.5 megawatt nuclear generating station which was designed and constructed for the purpose of demonstrating the feasibility of the Candu concept. It's owned jointly by Atomic Energy of Canada Limited, which owns the nuclear components, and Ontario Hydro, which owns the non-nuclear components and the land on which the station is situated. Rolphton was declared in service in 1962 and has been operating since that time. The success of the station and its successor, Douglas Point generating station, leads directly to the commitment by Ontario Hydro to the use of nuclear power for the commercial production of electricity and to the construction of Pickering station A and subsequent nuclear generating stations.

The member for York South said a few moments ago, "Let's shut down Rolphton and look at what this small plant is doing."



Rolphton is presently being used by Ontario Hydro for a number of purposes in addition to its electrical generating capacity. These are to train and develop operational and maintenance personnel for nuclear power plants, to test new types of fuel and equipment, and to test the feasibility of new techniques, such as those relating to decamiation—decominta—decominta—

**Mr. S. Smith:** Will someone wake the minister up. What's that again?

**Hon. Mr. Auld:** There's a second "in" in my text, that's the problem. I can't pronounce it.

**Mr. Nixon:** Once too often.

**Hon. Mr. Auld:** "Decomintation" is what I'm trying to say.

**Mr. Nixon:** What does that mean?

**Mr. S. Smith:** Decontamination, maybe? Why don't you try that?

**Hon. Mr. Auld:** When you stick a second "i" in, what does that mean, Decomintation—

**Mr. MacDonald:** You have trouble with your syntax; I have trouble with megawatts.

**Hon. Mr. Auld:** As is the case with all nuclear generating stations in Canada, Rolphton operates under a licence issued by the Atomic Energy Control Board under the Atomic Energy Control Act. The first full-power operating licence for Rolphton was issued in July 1962, as the honourable member said. That licence has been renewed from time to time. The latest renewal was issued by the control board on April 28, 1978 and expires on June 30, 1983. The licence is conditional upon the continued satisfactory operation of the station and is subject to annual review.

In 1976, following analyses by Atomic Energy Canada Limited of loss of coolant accidents for the Bruce A station reactor design, Ontario Hydro was asked by the control board to reassess the effectiveness of the emergency core cooling system in all of its operating nuclear generating stations, including Rolphton.

Atomic Energy of Canada Limited, as one of the joint owners of the Rolphton plant, carried out the reassessment of the effectiveness of the station's emergency core cooling system requested by the control board. That reassessment showed that while the Rolphton emergency core cooling system would not be effective in preventing fuel sheath failures for some break sizes and locations, the probability and size of any releases of radioactive material from containment in the event of such failures were within the limits approved

by the control board. In essence, Atomic Energy of Canada Limited satisfied the control board that Rolphton complied with the terms of its operating licence.

Notwithstanding this fact, Atomic Energy of Canada and Ontario Hydro suggested and agreed to implement several equipment and systems modifications which would further increase the effectiveness of the station's emergency core cooling capability. These modifications have all been made and all but two of them have been approved for use by the control board. Ontario Hydro expects to receive approval to use the remaining two modifications in the near future.

As members are aware, on April 27, 1979 a group of concerned citizens in Renfrew county applied to the control board for a public hearing into the safety of Rolphton. In its application, the concerned citizens' group stated its belief:

One, that Rolphton is operating in breach of its licence and in breach of the control board safety standards; and two, that the licence for operating Rolphton should be revoked because its emergency core cooling system is inadequate and would be unable to prevent overheating in the reactor if the main cooling system failed.

The application of the concerned citizens' group was considered by the control board and its staff. The control board concluded after careful consideration that the application did not contain any factual information which had not previously been considered by the control board in the course of its licensing and ongoing review of Rolphton. The control board further concluded that there was no reason to restrict the operation of the station or to hold a public hearing into the safety of the station's reactor.

As members are aware, Rolphton has been shut down since March 26 to repair a heavy water leak and to carry out planned maintenance activities. Ontario Hydro has advised me that it started up the reactor again on June 11. The station has been operating since that time at one thousandth of full power while Ontario Hydro carries out further checks on the station's operating system. The control board approved the start-up after a thorough review of the results of the maintenance and inspection work and the tests carried out by Ontario Hydro while the station was shut down. Representatives of the control board will be reviewing the results of the further checks which Ontario Hydro is making on the station's operating systems and, assuming that the results are satisfactory, will be monitoring Ontario Hydro's activities in bringing the station to full power.



[8:30]

Having provided members with some background information on Rolphton and its operating licence, I would now like to deal with three matters concerning the station which have recently been the subject of comments and questions in this House and in the press. These matters are (1) steam generator leaks in January 1978, (2) valve failure in September 1978 and (3) steam generator and fuel channel closure plug leaks in March 1979.

The first two matters are described in some detail in Ontario Hydro's 1978 report to the Atomic Energy Control Board on the operation of Rolphton. The final matter was, I think, dealt with in a statement I made to this House on June 4, 1979.

On January 26, 1978, higher than normal levels of tritium were discovered in the turbine room of the station, and a station alert was called. The purpose of the alert was to account for personnel and to declare the turbine room off-limits to non-essential personnel until the source of the tritium had been discovered and appropriate corrective action was taken.

Following that order, the station reactor was shut down and the level of tritium returned to normal within 40 minutes. The cause of the higher than normal levels of tritium was a leak in a tube in the steam generator which was repaired during the period of the shutdown.

The level of tritium released in the station's effluent as a result of the tube leak was less than one per cent of the limit set by the control board.

In September 1978, during a regular semi-annual test of the station's emergency light-water injection system—one of the station's two emergency core cooling systems—Ontario Hydro discovered that a pin forming part of the operating mechanism of an isolating valve was broken and the valve was partially closed, even though there was no indication that this was the case. That valve is normally in an open position when the station reactor is at high power and in a closed position when the station reactor is in a cooled, shutdown stage. If the valve is in a closed position when the station reactor is still at high power, the emergency light-water injection system would not be available in the event of the loss of the normal fuel cooling system.

It is not possible to determine when the pin broke or for how long, if at all. The valve was in a partially closed position while the reactor was operating at high power.

Ontario Hydro tested this system in early 1978 and found no problem. However, for whatever period the pin was broken, the station's other emergency core cooling system was available to provide an emergency cooling system if it had been needed.

Repairs have been made and new procedures have been instituted to inhibit similar problems in the future and to ensure their prompt detection if they do occur.

In September 1978, slightly higher than normal levels of tritium were discovered in the station's feedwater system. Upon subsequent investigation, Ontario Hydro discovered that this was caused by a small leak in the station's steam generator. As the leak did not constitute a hazard or cause the level of tritium in the station's effluent to exceed one per cent of the limit set by the control board, Ontario Hydro, with the concurrence of that control board, decided to continue operating the station until its next regularly scheduled maintenance shutdown.

In March 1979, heavy water began leaking from a fuel channel closure plug. All attempts to stop the leak while the station was operating were unsuccessful. Although the leak did not constitute a hazard and Ontario Hydro was able to recover and reuse the heavy water, Hydro decided to advance the date of its next regularly scheduled maintenance shutdown by about three weeks. During this shutdown, Hydro repaired the leak and carried out planned maintenance activities, which included inspection and repair of the leak in the steam generator which had been discovered in 1978.

As members will recall, on June 11, 1979, I made a statement to this House concerning emissions of tritium at Ontario Hydro's nuclear generating stations. Attached to that statement was a paper outlining the emissions of tritium in the airborne and water effluents of Rolphton since 1973. Members will note that at no time during the period 1973 to date did the level of the emissions reach one per cent of the limits set by the control order.

Before proceeding further, I believe it is important that I put the matters which I have described into context for the honourable members and the public generally.

No one, least of all this government, is saying that Ontario Hydro equipment is perfect and will not occasionally fail, or that Ontario Hydro's personnel are perfect and they will not occasionally make mistakes. In fact any equipment can fail and just about everyone makes mistakes.



It's important to understand, however, that these imperfections are planned for and taken into account in the design and operation of Ontario Hydro's nuclear generating stations. The result is that in over 61 reactor years of operation, no member of the public has been injured as a result of the operation of any one of Ontario Hydro's nuclear generating stations. Also nuclear generating station employees are safer at work than they are in their own homes.

I believe that as members, and the public generally review Ontario Hydro's records and familiarize themselves with all of the information which is and will become available concerning past and future imperfections, they cannot help but be impressed with the efforts Ontario Hydro has made in designing and operating its nuclear generating stations. The sole purpose of these efforts is to ensure the operations work well and as safely as humanly possible, and well within the safety limits prescribed by the responsible regulatory authorities. In Ontario, safety has always been the foremost consideration in the design and operation of nuclear generating stations and it will continue to be so.

I would now like to turn my attention to the motion before this Legislature, namely that the Legislature adopt the interim report of the select committee on Ontario Hydro affairs.

As I understand it, the select committee's interim report is based solely on the concerns expressed in the application of the Renfrew county concerned citizens' group to the control board. The select committee did not conduct any independent investigation to determine whether these concerns were or were not justified.

**Mr. S. Smith:** Your members wouldn't permit it.

**Hon. Mr. Auld:** Even if it had, the select committee does not have the capability or legal responsibility to review or set standards with respect to nuclear safety or the operation of nuclear generating stations.

**Mr. Warner:** Great attitude.

**Hon. Mr. Auld:** Nor does it have the capability to judge the merits of an application such as that put forward by the concerned citizens' group. As honourable members know, the control board is the agency in Canada which has the technical capability, and perhaps more important the legal responsibility, for setting safety standards and for licensing the operation of nuclear generating stations. It is also the agency that has the technical capability for judging the merits of such an application.

As I mentioned earlier, the control board has reviewed the application of the Renfrew county concerned citizens' group and has concluded that it does not contain any factual information which has not already been considered in the course of its licensing and review activities. In the board's opinion, there is no reason to restrict the operation of Rolph-ton. For this reason, I see no compelling reason for this Legislature to approve the motion before us and thereby presume to supplant the role which the Parliament of Canada has given to the Atomic Energy Control Board. However, as the honourable members know, this government has made a commitment to a review of nuclear energy, as witness the terms of reference of the select committee. That review is broad-ranging and perhaps only limited by the legal and technical responsibilities of the Atomic Energy Control Board, to which I have already alluded. In the government's view, a review by the select committee, a process by which the concerns and interests of the public are taken into account and fully protected, is most appropriate.

**Mr. Auld** moved that the words "its adoption" in the motion before the Legislature be struck out and the following words be substituted therefor: "that the interim report be referred back to the select committee on Ontario Hydro Affairs and that the select committee be reconvened as soon as possible to begin its examination of Ontario's nuclear commitment, including nuclear safety matters, and the concerns expressed with respect to Rolph-ton NPD be considered in that examination."

**Mr. J. Reed:** I began with what I thought was a clear head and I have become more and more confused. Before I begin the body of some of the things I want to say, some things have been brought up in the remarks of the preceding two speakers that I think are worth enlarging on a little bit.

First of all, my friend the member for York South (Mr. MacDonald), who is the chairman of the Hydro select committee, brought up the fact that the minister suggested in the House a little while ago that AECSB was the body which would rule on the restart of Rolph-ton. I really don't know the answer to this, and I don't think my friend for York South does either, but it is rather important and worthy of clarification. If Hydro shuts down the nuclear plant, for supposed routine maintenance or whatever, who does authorize the restart? Does AECSB have to authorize every restart by Ontario Hydro? I question whether they do; and in so doing, I question the indication the min-



ister gave to the House that AECB would be the arbiter of this restart. I know the member for York South is as confused a I am about where that ultimate responsibility lies. If, in fact, AECB were ruling on the restart, it might help to cast a different light on the thing. But I believe that since Hydro shut it down Hydro will start it up. That point should be made absolutely clear so the responsibility for these concerns is not loaded onto AECB.

There is another kind of anomaly I would like to bring up. The minister mentioned the two emergency core cooling systems. I hope if he has a few remarks to make at the end of this debate he will explain to us just what those two emergency core cooling systems are.

[8:45]

I may be wrong, but isn't there one emergency core cooling system and one sprinkler system? I would ask the minister if that is not correct; there are not two emergency core cooling systems. So in fact when there was this problem with a valve that was partly shut off, it was partly shut off on the emergency core cooling system, the only one; the other one was a sprinkler system. Is that not right?

**Hon. Mr. Auld:** There are two emergency.

**Mr. J. Reed:** There are two? If there are, I stand corrected and I apologize to the minister. These anomalies alone establish the confusion.

**Hon. Mr. Auld:** There are three systems; two of them are emergency, the other is the regular system.

**Mr. J. Reed:** Two emergency and one regular. That being the case, I certainly stand corrected.

One of the statements the minister read to this House was that one of the reasons for discounting the citizens' concerns about Rolphton was that they did not do a study. Am I right? Did I listen to the minister's statement clearly? One of the reasons was the citizens did not study this thing?

I want to suggest to the minister in all frankness that this is, in fact, why we are here, this is why the select committee exists. Unless I misunderstood the minister's speech, he said the citizens did not do a study and therefore the statements they made did not have any strong import.

There is another little anomaly I should bring up. I think the minister stated that Rolphton was owned by Hydro.

**Hon. Mr. Auld:** I said it was partly owned by Atomic Energy of Canada Limited and partly by Hydro.

**Mr. J. Reed:** Oh, he did not say Rolphton was owned by Hydro.

**Mr. S. Smith:** He said, the nuclear part was AECL and the rest by Hydro.

**Mr. J. Reed:** All right. The Premier (Mr. Davis) has said that Atomic Energy of Canada Limited happens to own the plant at Rolphton. I apologize, there was some confusion on my part.

This matter of Rolphton was first brought before the public early in May by my leader. I must say tonight, in speaking to this motion before the House, that I feel as if I am arguing for half a loaf, because on May 23 the select committee met and during the course of that meeting it was our desire that the committee meet to discuss the Rolphton matter immediately at that time. Our reasoning was that the plant was not operating—it was shut down, as the minister had said at that time for routine maintenance—and we felt it would be to the advantage of all if we dealt with the matter. We were disappointed in the views expressed by representatives of the other two parties who felt, for their own reasons, that it was not appropriate that the Rolphton matter should be debated during that period.

A short time later more information was brought before the public concerning Rolphton; once again, on behalf of my own caucus, I approached the select committee. We met as a steering committee at that time to consider my request that we even discuss the Rolphton matter as immediately as we possibly could. The vote at that time was to proceed as had been previously planned, and that was that the select committee would meet on July 4.

Once again, the plant had been delayed in its restart. It would have been most appropriate to debate the matter and to have questions answered in the select committee at that time. I put it to the members of the House that we certainly could have had an answer on Rolphton by now had we been able to proceed.

**Ms. Gigantes:** On the basis of what?

**Mr. J. Reed:** There were some fundamental questions—

**Ms. Gigantes:** We're just getting the documents now.

**Mr. J. Reed:** —that were asked by the citizens and those fundamental questions could have been answered. We could at least have had an interim report on the matter of Rolphton, pending perhaps a more detailed investigation later on in the summer. I must say we were disappointed.



**Ms. Gigantes:** We could have had a white-wash by now; that's what you are saying.

**Mr. J. Reed:** I have just two other items I feel might be of interest in this debate. One is that I am going to suggest publicly here that when we do consider Rolphoton in July—and I know the select committee has already agreed to look at it early in the game—we consider making an interim recommendation before we proceed with the other matters that pertain to nuclear safety. I think it would be appropriate to do it with dispatch so that if Rolphoton gets the clean bill of health that the minister obviously feels it will, then it can proceed to operate and won't have to sit idle until some time later when the select committee decides it is going to make its report.

**Ms. Gigantes:** Why don't you just give them a clean bill of health right now?

**Mr. S. Smith:** What is bothering the member for Carleton East?

**Ms. Gigantes:** You're bothering me.

**Mr. S. Smith:** We'll be looking into the matter.

**Mr. J. Reed:** On the other hand, if through the examination the plant does not get a clean bill of health, then we could make a recommendation in that direction, that it remain closed.

In fairness to all parties, that would probably be reasonably appropriate. We did want to proceed with it quickly; we would still like to get some kind of conclusion as quickly as we possibly can.

**Mr. Mancini:** Smarten up, NDP, and we can proceed.

**Mr. J. Reed:** I would like to suggest one final thing to the government. I have noticed in recent weeks that the Premier and the new chairman of Ontario Hydro have adopted, or have begun to adopt at least, in their inimitable fashion, the position that my leader has taken for a number of months now, that is that the only way nuclear energy can be properly scrutinized and examined in Ontario is through full public disclosure.

**Mr. Mancini:** After they got into trouble.

**Mr. J. Reed:** This is a point of view that has been expressed by the chairman of the royal commission on hydro-electric power planning. It has been expressed by a lot of very responsible people. I want to say that I am very pleased to see that the Premier in his speech to the Canadian Nuclear Association stated that people have the right to know. I think that is a very significant change.

**Mr. Haggerty:** That's a great conversion.

**Mr. S. Smith:** What a conversion!

**Mr. Peterson:** You should start with the minister knowing first.

**Mr. J. Reed:** I would also, if the report in the Toronto Star is correct, put on the record that the incoming chairman of Ontario Hydro said: "I like things explained in simple, uncomplicated ways, and there are few limits to what should be withheld." I agree with that.

**Mr. S. Smith:** The member for Durham West (Mr. Ashe) doesn't.

**Mr. Ashe:** It's all a matter of perception.

**Mr. J. Reed:** I would appeal to the government and to the Minister of Energy, in the spirit of what the Premier has said here, in the spirit of the position he obviously agrees with now and in the spirit of the position that the incoming chairman of Ontario Hydro agrees with now, that he find it in his heart to accept this motion.

**Mr. Peterson:** Even the Premier can change with the polls.

**Mr. J. Reed:** We feel there is enough public concern—some of it was voiced yesterday in the Globe and Mail—that if the Premier wants to put his action where his words are he would take it upon himself to say, "Yes, I agree. We're going to hold Rolphoton closed until we have a chance to debate it in select committee and allow the select committee to make an immediate interim report. After that it can proceed on its work."

**Ms. Gigantes:** We now have before us an amendment to the committee's report. If I understand that amendment correctly, what the minister is suggesting to us is that we forget all about the original motion, which was a request to the government to tell Hydro not to restart the Rolphoton plant until there had been a safety examination at the select committee level. The minister is telling us, "Forget that now. Send the whole matter back to the select committee and let's have the work begin right away."

I find that position at this stage to be rather distressing. I can put no other word on it. It's distressing to me. Either this government is toying with the seriousness of this issue and the seriousness of the recommendation that was made by the select committee, or else it is truly seeking a confrontation on the principle involved in that recommendation.

I find it difficult to figure out which it is—or whether it's partly both. There's a kind of schizoid attitude from the government. There's a will to power—the will to start up that reactor come hell or high water and not give a few days after the sched-



uled startup time for the committee to be able to assemble the documents it needs and commence a thorough review of the safety situation. There seems to be that will to power in principle, as if the public credibility of the nuclear program were at stake here on this 22.5 megawatt reactor—as if the whole credibility of the government were at stake somehow if this reactor were delayed in its startup time for a matter of weeks, until we can do a proper job in the select committee.

All we asked for was a delay in the start-up—and I would like to underline to the minister that was a serious request. We now sit here in the situation where that plant has started up and by the time the government allowed this debate, the plant is moving up to full power.

**Mr. Mancini:** That's your fault.

**Ms. Gigantes:** This is total hypocrisy. Total hypocrisy.

We had a motion from a majority of that committee a full two weeks ago and more, calling upon the government to delay the startup. The government refused debate for two full weeks and now it permits debate—of what? Even the amendment is now totally useless. Amendment to what? To a motion that asks the government to tell Hydro not to start up the plant? The plant has started.

The way the minister describes the kinds of questions that have been raised about this plant, the way he answers the concerns that have been raised, the way he answers the documented evidence we now have—

**Mr. Ashe:** What? What?

**Mr. Turner:** Tell us about it.

**Ms. Gigantes:** —of the difficulties this plant has experienced in operation ever since 1973—

**Mr. Mancini:** You should go back to being a mayor, George. You're all through.

**Mr. Haggerty:** What documentation?

[9:00]

**Ms. Gigantes:** —the way he does that is nonsense, Mr. Speaker. It's absolute nonsense.

He sits there and he tells us that it is the Atomic Energy Control Board's job to review safety and that only the AECB has the legal mandate and the technical power to be able to review the safety of that plant. At the same time, he tells us to go back and review the safety of the plant in the select committee. Is he laughing?

**Mr. Stong:** Yes, look at him.

**Ms. Gigantes:** I think he is partly laughing and partly very determined that there will

not be any suggestion that there are safety matters in Ontario related to nuclear power that would cause this government to blink an eyelash—not even for a 22.5-megawatt plant which has consistently lost money.

We now have before us the annual reports of the NPD reactor at Rolphton from 1973. Those reports contain a listing of serious incidents in the five years from 1973 to 1978. These incidents are occurring in a plant that has a faulty, inadequate, emergency core cooling system. That is documented. We have the documents before the select committee; they were leaked documents from the AECB. But this minister is telling us to go cool our heels, to go chase our tails.

**Mr. Ashe:** Hear, hear.

**Ms. Gigantes:** The government is going to be lucky if nothing happens at nuclear plants in Ontario. But if anything does happen that causes a serious problem, the government is going to look pretty sick. It is better to be forewarned and forearmed than to say afterwards, "Oh, well, we didn't think it was serious." It is serious.

This minister has not even taken the trouble to read the documentation, I swear. He could not have read the documentation that exists about the nature of the difficulties with the emergency core cooling system design at that plant. Those documents are publicly available and have been tabled with the committee, and he has not bothered looking at them. He has presided over a procedure in this Legislature where we are now debating a irrelevant motion.

The minister is simply wrong when he suggests that the select committee has no authority to question the Atomic Energy Control Board. The select committee has a mandate to examine nuclear safety in Ontario. If that means we have to question whether the AECB has done a good job, then we will. He is not being very helpful, though, and neither is his government.

While we are on the subject of helpfulness, I would like to straighten out the record once and for all for my colleagues in the official opposition who insist on saying in this House—they have said it many times, and we have had an incident where the House leader of my party left this House—

**Mr. Mancini:** That's right. You were wrong then, and you're going to be wrong again now.

**Ms. Gigantes:** —because he had placed on the record a description of their behaviour which was judged to be unparliamentary, although it may have been accurate.

**Mr. S. Smith:** It's a different issue.



**Ms. Gigantes:** We have just heard the member for Halton-Burlington explain, once again, that the select committee had considered a motion to begin discussions of the NPD station.

**Mr. S. Smith:** He didn't say a motion; he said a suggestion.

**Mr. J. Reed:** I didn't say a motion.

**Ms. Gigantes:** He said we took a vote that we would only discuss Rolphton, starting on July 4. There was no such vote taken.

**Mr. Haggerty:** No. He said immediately.

**Ms. Gigantes:** We had one motion before that committee. It was a motion I put forward after there had been a fair amount of discussion in the committee.

**Mr. S. Smith:** It was in the steering committee. Why don't you listen?

**Mr. J. Reed:** On a point of privilege, Mr. Speaker.

**Mr. Acting Speaker:** The member for Halton-Burlington on a matter of personal privilege.

**Mr. J. Reed:** Mr. Speaker, if the member can find in Hansard tomorrow where I suggested in any way that we took a vote—

**Ms. Gigantes:** You did. You said a vote.

**Mr. J. Reed:** I beg the member's pardon. What I said was that I appealed to the committee to hear the case immediately. I did not suggest a vote. There was no vote taken on that matter because we were so obviously steamrollered out of that position—

**Mr. Bolan:** By the member and her colleagues.

**Mr. J. Reed:** —that there wasn't any point in making the motion. I want to make that clear.

**Mr. Acting Speaker:** The member for Halton-Burlington has made his point.

**Ms. Gigantes:** The record will show tomorrow when my friend from Halton-Burlington reads it—

**Mr. Mancini:** Just apologize.

**Ms. Gigantes:** —that he said the committee voted to begin consideration of Rolphton only on July 4, and that is simply not accurate.

**Mr. J. Reed:** Point of order.

**Mr. Acting Speaker:** Once more, the member for Halton-Burlington.

**Mr. J. Reed:** Would the member please clarify the situation for the House, that the vote was taken in the steering committee and there was no vote taken in the select committee on the immediate hearing of Rolphton?

**Mr. S. Smith:** Get it clear.

**Ms. Gigantes:** I will leave my remarks on this question for the member for Halton-Burlington to look at tomorrow in conjunction with the remarks he has himself made, which repeat the insinuations and innuendoes—

**Mr. Mancini:** You look at it. He knows what he's talking about.

**Mr. S. Smith:** He knows what he said, you look at it.

**Ms. Gigantes:** —that have been bandied around this House concerning this matter for the last couple of weeks.

I think it important to recognize that the position the NDP took in the select committee was one where we wished to have documentation concerning the nuclear power demonstration station before us before we began hearings on Rolphton. That documentation is only now becoming available. Yesterday, or the day before, we received the 1978 annual report on Rolphton. Today we received annual reports from the years 1973 forward and we are beginning to get what Hydro so generously calls a sampling of the significant-event reports concerning Rolphton and the operation of Rolphton. We must have that documentation before we look into the safety question at Rolphton, because otherwise we are subject to a whitewash by Hydro and by the AECL. In this case— if we ever get to the bottom of it—perhaps we'll discover there's been a whitewash by the AECB. I rather suspect that to be the truth.

I don't like this reactor, Mr. Speaker. I'll tell you why I don't like it. It's expensive in terms of power production. It's old. It's got a whole bunch of problems that have become evident over the years, and particularly in the last couple of years, which have led it to have a much lower capacity than the designers expected, than AECB expected, than AECL expected and than Ontario Hydro expected. It shows all the evidence of being a plant which is like an old car; there comes a point where you shouldn't invest any more in trying to patch it up, and there also comes a point when you should put it through a new safety check. I suggest to you very strongly this is the case with Rolphton.

The facility is being used for training operators. I don't think it's a good idea to be training new drivers on old cars or new operators on old plants, especially when they seem to have the chronic kinds of problems this plant has.

The other reason Hydro wishes to continue operating the plant come hell or high water—the other reason for that will to power, by the government and by Hydro, is



that this reactor is being used to test out new fuel designs.

Since 1973 fuel bundles containing plutonium have been fired at that plant. Mr. Speaker, those fuel bundles are what Hydro calls highly energized. In layman's terms that means they're loaded with radioactive contamination. Any serious incident where there was an escape of radioactive contamination from containment at Rolphoton has the potential to release all the contamination associated with these highly energized uranium fuel bundles.

We know from the documents that have been tabled with the select committee so far that there is concern about the level of power at which these fuel bundles are operated. We also know that this reactor has a basic flaw, in the sense that the emergency cooling system is inadequate. It's been patched up, we don't know how successfully, and it's not completely patched up yet. We don't know if the recommendations of the Atomic Energy Control Board for the patch-up of the emergency core cooling system were adequate to ensure safety. We sure know they hope they are adequate, and we sure know that the AECB wants to see that plant operate, as does Atomic Energy of Canada Limited and Ontario Hydro; but that is about all we know for sure.

We have an old plant, with a flaw in the emergency core cooling system, with a regular pattern of breakdowns, some of them causing fairly serious incidents—type one faults, the most serious kind of faults—being operated with new operators who are in training, and using plutonium fuel bundles, among other fuels.

I consider there is every reason in the world why this government should have taken our recommendation seriously. That it has not is a matter of grave concern to the public of Ontario.

I would like the minister to know that back in the city of Ottawa, the Ottawa Citizen—

**Mr. Bradley:** A fine paper.

**Ms. Gigantes:** —has conducted one of the best investigative reporting feats I have ever seen in Canadian journalism in terms of getting information about the operations and history of the Rolphoton nuclear plant.

**Mr. Bradley:** That ought to get you some good coverage.

**Ms. Gigantes:** The Ottawa Citizen has provided the citizens of Ottawa with information which can leave no doubt that we need a safety review of that plant before its operation is allowed to continue. There is

absolutely no doubt, once you read the articles that have been done in the Ottawa Citizen, that this is the case. The Citizen has stood up for the information it has produced. It has called upon this government to get the truth out of Hydro. It has editorially said that the plant should remain shut until there is a safety review. That's the kind of journalism we see all too rarely in Ontario.

**Mr. Bradley:** Did you hear that in the press gallery?

**Ms. Gigantes:** I know that when I go back to Ottawa people expect a government to respond to the questions that have been raised. There is now an application before the federal court of Canada from the concerned citizens of Renfrew county, requesting that there be a public hearing at the AECB concerning Rolphoton and saying that the AECB is being delinquent in its duty in the control, monitoring and regulation of the operation of the Rolphoton plant.

I think it's about time this government realized it would be the better part of wisdom concerning safety at nuclear plants to proceed with caution, to give serious responses to serious questions and to show the public of Ontario there is a commitment by government in Ontario that the safety of Ontario citizens will be protected. I believe the government's attitude shown tonight, shown over the last two weeks, gives a mocking face to government concern.

[9:15]

The minister is laughing at us and the minister is wrong. The minister is going to learn over the next few months that the public of Ontario cares very deeply about the issue of safety at our nuclear stations. He is going to learn that the people of Ontario will demand to have government take these matters seriously and provide every conceivable piece of information and every conceivable opportunity for public discussion and review. He will learn the people of Ontario will not be satisfied with a government which says let the AECB do it, that the people of Ontario will not be satisfied with a government that washes its hands of the question of safety at nuclear plants in Ontario.

We brought a serious motion to this Legislature. The government has treated it with contempt, both procedurally and in its amendment tonight. I am disgusted, and I think the other members of my party and the Liberal Party feel the same kind of disgust.

I have nothing more to add. This whole debate has been irrelevant. Thank you.



**Mr. Ashe:** I have listened with great interest and great intent to the speaker and I am now really concerned as to what we are debating tonight. I don't know whether we are actually debating the motion and the recommendation before us from the select committee or the whole safety issue relating to nuclear power in Ontario; but I am going to try to keep my remarks more relevant to the motion before us.

I suppose I am the only person, to any relative degree, in this Legislature who lives close to a nuclear power station.

**Mr. J. Reed:** We knew there was something.

**Mr. S. Smith:** Lethal radiation affects the brain.

**Mr. Ashe:** I live less than one mile from a station, I have for a great number of years, and both myself and my neighbours have great confidence regarding the safety record of the stations operated by Ontario Hydro.

I would like to set the record straight on a great number of issues before us lately. First of all, as a neighbour of the Pickering nuclear plant, being very specific, I firmly believe these plants, both in their design and the way they are operated, are fundamentally safe.

**Mr. Nixon:** This is right on the report, is it, George?

**Mr. Ashe:** That is exactly what I am talking about. Otherwise, why would I raise my family literally in the shadow of the nuclear generating station unless I had some confidence in the technology of that operation?

Some of the members opposite don't know what it is like to live in the shadow of that great industry and don't really know what they are talking about. They can get up and grandstand and politic, but they really don't know what it is all about.

**Mr. Bradley:** The Tories never do that.

**Mr. Ashe:** Never. Mr. Speaker, I will get back to my prepared text and try not to incite a riot on the other side.

As a member of the select committee on Ontario Hydro affairs, I am of course very concerned about the resolution that was passed by the opposition members on that committee which calls for the shutdown of the Rolphston nuclear plant. The government members, in my view quite rightly, voted against that resolution for many reasons. I will just try to name a few. First, because the select committee did not conduct, and in fact did not have time to conduct, any independent investigation into the concerns expressed about the plant.

**Mr. S. Smith:** You voted against doing it.

**Mr. Ashe:** Rather, they preferred to rely on their political instincts although I would more properly identify it as a politically expedient posture at the time.

**Mr. Renwick:** Oh, come off it.

**Mr. Ashe:** Second, because the AECB, the agency which is qualified and hopefully responsible for making decisions such as this—

**Mr. J. Reed:** It isn't though; we established that a few minutes ago.

**Mr. Ashe:** —found after a full and complete review of all the facts that the station was safe to operate.

Third, because this type of decision is completely beyond the capability and responsibilities of the select committee at this time.

**Mr. R. F. Johnston:** Of a certain member.

**Mr. Ashe:** I hardly need recall for members the powers of the Atomic Energy Control Board. In short, it is the federal agency responsible for nuclear safety under the Atomic Energy Control Act. Suffice to say that on matters of operating safety the control board is the supreme authority.

**Mr. Haggerty:** Joe Clark will take a look at it.

**Mr. Ashe:** It has the power to inspect, license and supervise the safe operation of all nuclear plants in Canada, not just Ontario, a role it has performed rather satisfactorily for the almost 20 years that nuclear power has been a fixture of electrical power generation in Ontario.

As the Minister of Energy (Mr. Auld) has already indicated in his earlier remarks, the AECB is the agency which has the technical capability and the legal responsibility for licensing the operation of nuclear reactors and for establishing nuclear safety standards in Canada. The board, after a full examination of all the facts, is satisfied with the safety of Rolphston station and that satisfaction is evidenced by the fact that it has continued to allow the station to operate at 100 per cent.

This is not to say I oppose the select committee's thorough examination of safety issues. In fact, I completely support the intent of what they are trying to do. I sincerely believe the hearings scheduled for that committee this summer will be most beneficial, enabling members and the general public to see the many protections built into our nuclear facilities, and in the historical perspective of the Three Mile Island incident to judge if they are still satisfactory.

I do think, however, that it is important that these questions be examined in perspec-



tive and in proper context. I don't think we could even pretend in the less than three hours we have before us this evening even to scratch the surface of nuclear safety let alone as it relates to Rolphton.

**Mr. J. Reed:** That's why we wanted to hear it weeks ago.

**Mr. Ashe:** Nor do I think the public gets a proper perspective of nuclear power in Ontario through the little isolated incidents or unusual occurrences on which the media have focused recently, both the printed media and the electronic media. Certainly the Premier (Mr. Davis) caught this important point in his speech this week to the Canadian Nuclear Association.

**Mr. Haggerty:** For the first time.

**Mr. Ashe:** There were references made to that speech earlier this evening.

**Mr. S. Smith:** Saul on the road to Damascus.

**Mr. Ashe:** I quote from his speech: "You now face the challenge and opportunity," he told the nuclear industry, "of putting all the facts on the record at a time when nearly everybody is watching and listening."

**Mr. J. Reed:** Something my leader said months ago.

**Mr. Ashe:** Is that right? It's amazing.

**Mr. J. Reed:** Your leader is the last one.

**Mr. Ashe:** It's amazing. It just goes to show that when it's appropriate we all listen, no matter the source.

These opportunities will arise at the select committee this summer where Ontario Hydro will have the opportunity to demonstrate to the satisfaction of the committee's members that safety is its first and foremost concern. I believe, as does the Premier and this government, that the public will also be reassured by a full, frank and open discussion of the nuclear safety issue.

I do not think it is reassuring, nor in the best interests of public safety or education on nuclear matters, to be exposed to these issues in isolation or in an incomplete way, as for example the recent headline-grabbing remarks on tritium leaks at Pickering, which until one examined them closely were presented as alarming distortions of the facts. Under close scrutiny, however, it became clear that the radiation leak was so small that one would have to drink the town's water supply for something like 450 years—and not even the most optimistic member would suggest that he will be around for that time—to receive a dose of radiation similar to the small amount that would be received by a normal chest X-ray.

**Mr. S. Smith:** Given the state of X-ray equipment in Ontario, I wouldn't make that statement too glibly.

**Mr. Ashe:** Let's put these things into their proper perspective. Whether they be said by a doctor or otherwise, let's put them into perspective.

I would like to turn now to the question of public concern in the communities involved. I can tell the House that in Pickering, where I have been both a member of council—serving as the deputy reeve and then as the mayor of that municipality—and a member of this Legislature, the public has a great deal of faith in Ontario Hydro and in the way the nuclear plant has been operated there.

In the case of Deep River—a particular situation with which I am not as closely familiar, of course—near which the Rolph-ton nuclear demonstration plant is located, I would like to read into the record the following letter, which was sent on May 16, 1979, to the Leader of the Opposition.

**Mr. S. Smith:** It has already been read into the record by the minister; you weren't here that day.

**Mr. Ashe:** I quote:

"Dear Dr. Smith:

"At a special meeting held on Friday, May 11, the following resolution was endorsed unanimously by the heads of the local municipalities: 'That the area municipalities of Deep River, Chalk River and Petawawa, and the townships of Head, Clara and Maria, and Rolph, Buchanan, Wylie and McKay emphatically reiterate their past support for the nuclear power industry and, in particular express their complete confidence in the nuclear installation operations and personnel at AECL's Chalk River laboratories, and at Ontario Hydro NPD-NTC, Rolphton.' Which, of course, is the nuclear power demonstration and nuclear training centre.

"This action was precipitated by recent media reports which imply a fear for our safety with respect to the continued operation of the nuclear power station at Rolph-ton. Quite frankly, it is of more concern to us that distortions of fact and alarmist reports by the media are creating a misleading impression of the nuclear industry.

"As the leader of the Liberal Party, you must surely recognize the outstanding technological achievement and opportunity for electrical energy independence that nuclear power represents, not only for Ontario, but for all of Canada. In order to protect fully the public interest we, the Deep River council, firmly believe it is incumbent on all political parties, not only to seek answers to



the perceived problems, but also to stress with equal fervour the associated benefits. Therefore, while sharing your desire for the best public safety precautions within the nuclear industry, we feel your statements, as recently reported, were lacking in overall perspective.

"In the post-Harrisburg climate of heightened public awareness, it is essential to present a balanced and objective viewpoint. To do otherwise, however inadvertently, can only do a great disservice to the general public."

That is the end of the letter, which is signed by W. A. Seddon, the mayor of Deep River.

**Mr. Bradley:** Old news; it has been read twice.

**Mr. Ashe:** Old news, when it is relevant, I think deserves to be once again read into the record. It is just too bad that people did not take guidance and heedance.

**Mr. S. Smith:** You should read it again, actually. It's so much better than the rest of your speech.

**Mr. Ashe:** It is amazing how the members opposite can constantly refer to listening to and wanting to have a little input from the local elected representatives—only, mind you, when that happens to suit their purpose.

[9:30]

I think that letter expresses in nonpartisan terms the very concern—

**Mr. S. Smith:** Don't choke on that.

**Mr. Ashe:** To put that more precisely, non-political-partisan terms—

**Mr. J. Reed:** That is even worse.

**Mr. Ashe:** —the very concern that I have been expressing.

**Mr. Stong:** Only one thing could be worse.

**Mr. Ashe:** I think no one can express it better than persons who live and work daily with nuclear power the way those persons in the communities mentioned have been a part of it.

It surely behooves us, as hopefully responsible politicians, although sometimes I question that, to deal with these public concerns in a responsible manner so the public does not become unduly alarmed by some irresponsible, sensational, headline-grabbing statements which do a great disservice to what has grown into a vital, and I might add thriving industry in this province and in this country.

In fact it is more than that. It is an industry that has enabled us in Ontario, with very few native energy sources, to have lower electricity rates than most jurisdictions in the

industrialized world. Many people are unaware that nuclear power in Ontario last year provided more than 28 per cent of the province's electric power needs. In comparison, water-powered electricity accounted for something like 37 per cent; coal provided another 28 per cent, most of which was imported from the jurisdiction to the south, the United States; the balance was created by burning oil or gas shipped from the western provinces.

The important thing to note, however, is that electricity produced from uranium is one tenth—and I repeat, one tenth—the cost of that produced from coal, oil or natural gas.

**Mr. Haggerty:** You haven't included the cost of waste disposal.

**Mr. Ashe:** When one considers this relative economic cost, it is hard to imagine what we might be paying today in Ontario for our electricity if it were not for nuclear power.

**Mr. Bradley:** What is the capital cost and what is the disposal cost?

**Mr. S. Smith:** What is the cost of disposing of the waste, George?

**Mr. Deputy Speaker:** Order.

**Mr. Ashe:** I would add that the Ontario government realizes electricity produced from uranium represents the only solid bridge from a society mainly dependent on oil and gas to one that can meet its needs from renewable energy forms.

**Mr. S. Smith:** That's what I've been saying for three years. You're quoting me now.

**Mr. J. Reed:** Why don't you talk about the real cost?

**Mr. Deputy Speaker:** Order.

**Mr. Ashe:** I am glad we are recognizing the Leader of the Opposition does say something relevant from time to time.

**Mr. S. Smith:** Thank you.

**Mr. Ashe:** We know we must narrow the gap from a society dependent on nonrenewable energy forms to one dependent on renewable energy.

**Mr. J. Reed:** You have been three years in adopting that view.

**Mr. Ashe:** We now have more than 100 projects involving energy conservation and renewable energy co-ordinated by the Ontario government and we have just concluded, as the honourable member knows, a major agreement with the government of Canada in this area to further develop and demonstrate energy conservation and renewable technology.



**Mr. J. Reed:** That is the third time that has been announced to the House.

**Mr. Ashe:** Next week I will be participating—

**Mr. Haggerty:** Next week the honourable member will reinvent the wheel.

**Mr. Ashe:** I will be participating in re-inventing the wheel, if the member likes, but making progress, because sometimes the wheel can be made rounder and hence more efficient.

**Mr. Bradley:** And there will be five press releases that it has been reinvented.

**Mr. Ashe:** I will be participating with the Minister of Housing (Mr. Bennett) and others in the official opening of Canada's first solar-heated apartment building in Aylmer, Ontario—

**Mr. Bradley:** Tokenism.

**Mr. Ashe:** —just one of the projects this government has been involved in to help bring closer the day when solar, wind or biomass energy will play a greater role in meeting our energy needs.

Today, not everyone can afford the minimum cost of some \$3,000 involved in installing a prototype experimental-stage solar system in his home or office. We know we must work towards commercial development of these systems so that in the final analysis, the private sector will move ahead with the development of systems that will be more affordable, more reliable and far less experimental.

**Mr. J. Reed:** This is right on the motion, Mr. Speaker, right on the motion.

**Mr. Ashe:** In the interim, nuclear power will continue, and in fact must continue, to be an indispensable bridge, a bridge which must serve for perhaps the next half-century or so. I appreciate there are some members opposite, particularly some of those to my right, your left, Mr. Speaker, who would have us back into the candle age, if they had their way.

**Mr. Samis:** Don't be so silly.

**Mr. Ashe:** It is my belief that the nuclear bridge is a safe one, and the extent of its safety will be revealed to the public through the open, honest and complete public discussions of the select committee this summer. I believe it is only through such complete examinations that the safety issue can be properly probed and can be properly understood.

The amendment to the motion before us gives me one little bit of concern. As a

member of the select committee on Ontario Hydro affairs, the words as they appear, "as soon as possible," to me I suppose are a little bit up in the air, are probably not quite tied down enough to specifics. So on those grounds, and to be a little more specific to the members of the House when they are voting later on this evening, I would like to propose an amendment to the amendment, Mr. Speaker.

**Mr. Deputy Speaker:** Mr. Ashe moves an amendment to the amendment that the words in the fourth line "as soon as possible" be struck out and the following substituted therefor: "as scheduled and agreed to by the Hydro steering committee."

**Ms. Gigantes:** What does that mean?

**Mr. J. Reed:** Nothing.

**Mr. Ashe:** The reason for the amendment I think is obvious. To be very specific, all parties are represented on that committee through the steering committee and have already agreed, with the guidance of the staff, as to a reasonable and responsible way to deal with this issue this summer. I think it is recognized with this amendment that the actual specifics of that schedule have already been adhered to. I think it is reasonable and responsible, and hopefully it will make the motion and the amendment to the motion that is before this House acceptable to all sides.

**Mr. Nixon:** Mr. Speaker, the minister's amendment is unacceptable for an obvious reason. He did not include the commitment that the power plant would remain shut down during the course of the hearings that his amendment envisages. As a matter of fact, we are told on good authority that Rolphoton has been operating at one thousandth of its capacity up until this evening, that they are moving the levers, adjusting the rods and turning the dials which begin the power movement upward, and that perhaps by midnight tonight it will be advancing in its move towards full power.

It is ironic and, in fact, somewhat disconcerting that this upgrading of the power level is taking place even as we debate a motion which was supported by the representatives of a majority of the members in the House calling for it to remain shut down. I bring that to the attention of the honourable member who just spoke. It doesn't call for the shutdown of the plant, Mr. Speaker, it calls for it to remain shut down until the select committee has had an opportunity to review the situation.

Actually, I feel very much concerned indeed that the minister has taken a course of



action that has so dislocated this debate. The chairman of the committee has indicated that the minister announced even before the report came before the House that he was ignoring the report and going to order the resumption of the production of power at Rolphton. It's almost as if—

**Mr. Stong:** Tantamount to contempt.

**Mr. Nixon:** Well, one wonders who he does consult. I have a feeling he goes out fishing with the Premier (Mr. Davis) and they decide, by God, nobody is going to push them around. That could happen; that sort of thing has happened in the past. If it was his deputy who advised that, then I am even more convinced that the minister needs better advice in matters of this importance, both for the provision of power and for the safety of the people of the province, and just as important, for the proper exercise of the democratic method of government.

It is true that if there is a criticism of the members of the committee in the brief hearings leading to the motion and to the report, it is that it is not possible for the members of the committee to be expert in the matters at Rolphton so they could say: "We have examined the scientific background, the engineering matters and the history of the production of power at Rolphton; therefore, there is no doubt but that it should be shut down because it is an apparent and continuing hazard."

There was, however, enough information given to the members of the committee that they felt, in their good judgement, the advice they had to give to the government was that Hydro be ordered to leave it shut down until such time as a proper review had taken place.

The argument that this should be left to the Atomic Energy Control Board is irrelevant. Certainly they have the final responsibility. The parliamentary assistant to the minister has indicated that is where the responsibility must continue to lie, and yet he thinks that the work of the committee is worthwhile. It is almost as if we are some sort of a show group that sits there, winnowing through the material which we think is important, but the government of the day simply ignores it.

I am very much concerned, as I hope the minister is, that the vote tonight will simply accept the report—and I have every reason to expect that it will—calling on the government to order Hydro to continue the shut-down. Surely it is incumbent on the members of the committee to begin the review of Rolphton without delay. We have heard the arguments about the delay that has taken

place already. We do not know how long this review would be but, as my colleague the member for Halton-Burlington has indicated, the committee should be ready to give an interim report. If the House is in session, we can give it to the minister, or through some proper channel, indicating whether in our view the power plant can be restarted three weeks from now, four weeks from now, or perhaps never, depending on what we find out.

This is an old plant. It has been operating for 17 years. Like everything else, whether or not it is the tin Lizzie the member for Carleton East who is doing the usual honour in these debates—was referring to, still it is bound to have continuing problems.

The 22.5 megawatts are not necessary for the Hydro grid, although my colleague who will be speaking in a few minutes is well aware that the power from Rolphton is utilized in eastern Ontario for keeping the street lights on in half of Pembroke, which we would all agree is an extremely important use indeed.

The points have been made very clearly. Whether or not it is dangerous if it starts up, we can leave it shut down for a few weeks until the select committee has an opportunity to examine it.

The government thinks the select committee is competent and is responsible for important things that the government wants to refer to it, for what I would consider political reasons. They have us go over their contracts for uranium and so on, and then ignore the recommendations at that time. But here is an instance where, if the minister were at all receptive to the realities of the democratic situation in this House and in this province, he would have the largeness of the spirit to recommend to his colleagues that Rolphton remain shut down. If he wanted to put in an amendment that the committee should give an interim report and not go over all of the safety aspects of the other power plants, surely that would be completely acceptable.

I regret very much that the government is taking this stand. As a matter of fact, I feel that they are doing it only to protect the minister, who launched himself on this particular position without sufficient advice and consideration. He has been around for a long time, and they say: "Well, we'd better support good old Jim. After all, he's got a double portfolio; nobody wants either part of it, and he's got to continue to carry it."

We know how difficult it is for anybody to take this heavy responsibility, but I regret very much that the minister has taken this stand. I would ask that he give consideration



to this: Why can we not make a deal to leave it shut down, and I am sure the committee will undertake to start the review without delay? We would even accept a sub-amendment from the honourable member who is simply stating the obvious.

**Mr. MacDonald:** He's just tidying it up.

[9:45]

**Mr. Nixon:** All right. Tidying it up, in his own inimitable fashion. If the minister wants to set a time limit, we can make an interim report. If he is so anxious to crank up Rolph-ton by the end of July, he probably can. But it's an affront to everything that we're trying to do around here for the minister to allow Hydro to pull out the control rods in that atomic reactor even as we debate a report as significant and important as this.

**Mr. S. Smith:** Very well put.

**Mr. Cassidy:** I've just been trying to calculate what the actual impact on Ontario Hydro would be if the government were to listen to the Legislature and keep the Rolph-ton nuclear power station shut until there was a chance for the select committee to look into the questions of safety, which were raised initially by concerned citizens in the Renfrew area and which have been underlined by the repeated new evidence of further problems with that plant—

**Mr. Mancini:** Never mind the citizens of Renfrew. We have someone to speak for them.

**Mr. Cassidy:** —which, clearly after 17 years of operation is beginning to get rather shaky around the edges and beginning to show some signs of its age. That plant has got a capacity, I believe, of 22.5 megawatts which is slightly less than one thousandth of the total installed capacity of Ontario Hydro at this time, which is about 23,000 megawatts. One one-thousandth is all that would be lost over the course of the next six weeks were the government to agree to this motion and keep the Rolph-ton plant shut until the end of July, at which time the committee could have decided whether the plant was safe or whether it was unsafe.

I'm sure the government would agree that if the plant is found to be unsafe it should not be kept open. It's a perfectly simple kind of a conclusion, on which I presume even the member for Durham West, the parliamentary assistant, who lives in the shadow of the Pickering power station, would be prepared to agree. The fact is that we're talking about an infinitesimal loss of power to Hydro and Hydro has been running with 30 or 40 per cent excess capacity.

The request by the committee could have been heeded. The government could have told Hydro to have held off resuming operations of that plant until this debate was through tonight. Instead, the plant has been allowed to get back into operation. I understand, contrary to what the minister has said, it is not working at one hundredth or one thousandth of its capacity but it is very rapidly moving up to full capacity. That's effrontery, but it's typical of the operations of this government when it comes to listening to what the opposition parties say under the condition of a minority government.

I'd say that it's effrontery as well for the Minister of Energy to come up with the recommendation that he has come up with suggesting that the report be referred back. It's a contrary motion and if there were time, Mr. Speaker, I'd ask you to rule that the motion itself was out of order.

When the parliamentary assistant has to get up and subsequently correct the efforts of his minister, because the minister blew it, and suggest something else, that suggests a certain state of confusion, a state of confusion which, in our minds, too often governs the way this government is handling questions of nuclear power.

This week the Premier goes down to the Canadian Nuclear Association and delivers a speech in which he tells the association that they're going to have to be more open and more free with information about nuclear power and in which he suggested to them that there is a danger that they are just engaged in a public relations exercise when the public wants to know an awful lot more. If the Premier really believed that, we would have given the word to the Minister of Energy not just to have gone along with tonight's motion but also to have kept the Rolph-ton station shut. It is not meaningful to Hydro whether or not that plant is shut or open.

When questions about nuclear power are raised, it seems to me that the government has a responsibility to be seen to be taking every effort possible to satisfy the public's concerns. It seems to me that the government should be aware of the concerns many of us have that AECB, to which the Minister of Energy has referred all of his concerns, is not the only appropriate body to look at matters of nuclear safety.

I have great regard for the expertise and the knowledge that has been acquired over the course of the last year and a half by the select committee on Hydro—not just its chairman, my friend and colleague, the member for York South, but also all of the members



of the New Democratic Party and, for that matter, I dare say that the members of the Liberal Party and the Conservative Party have maybe acquired some expertise as well.

There is not a single legislative body on this continent which is more qualified as laymen to look into the question of nuclear plant safety, Mr. Speaker, than the select committee on Hydro affairs of the Ontario Legislature, and yet the government is saying, "Leave it to the Atomic Energy Control Board."

This isn't recent information, but back in 1975 the eminent political scientist Bruce Doern did a study of the AECB and he said the AECB is in a relation of "historic coziness" with Atomic Energy of Canada Limited who are the sponsoring agency for the Rolphton plant and actually built it initially. Only five directors, never anybody from the public interest groups or from the labour movement; too many of the directors of the AECB coming themselves out of the nuclear power industry or out of AECL.

These things evolve. The AECB is probably more independent than it once was, but surely it doesn't contain all wisdom on the question of nuclear safety.

I want to suggest a number of conclusions that we have to draw from the government's behaviour on this particular question.

**Mr. Nixon:** Point of order, Mr. Speaker: Before the honourable member suggests a number of conclusions, I realize there is nothing you can do as Speaker, but I should bring to your attention, sir, and the other members of the House, that by agreement each party is to have 45 minutes in this debate; the NDP has now used 45 minutes.

**Mr. Cassidy:** Thank you, Mr. Speaker. I'm aware of the fact that my colleagues have spoken with great wisdom, with great force, and also maybe with not quite as much length as I had hoped.

**Mr. Sterling:** Then sit down.

**Mr. Stong:** Sit down before you ruin it.

**Mr. Cassidy:** If I could be permitted about a minute, I will conclude very quickly, with the consent of the Liberal member.

**Mr. Deputy Speaker:** The member for Ottawa Centre.

**Mr. Cassidy:** Thank you, Mr. Speaker.

First, the nuclear establishment is very reluctant to be challenged, otherwise why would it and the government quibble over the shutdown of a 21-megawatt plant during the course of this inquiry? Their fear and the government's fear is that the course of the nuclear power program will be threatened. I want to suggest that raises questions about

their confidence in the nuclear power program and the questions of safety which are clearly involved, when three separate serious events happen in one power station which is 17 years old.

Second, the government itself seems prepared to go to extraordinary lengths in order to put off a searching inquiry into this particular power station. For the government to argue for openness on the one hand and to act for a closed approach on the other raises questions.

Third, what is happening at Rolphton does raise serious concerns about the nuclear program. If a valve that is important to the cooling system can be out for 47½ or 58 days and nobody notices, then all of the estimates about the safety are really in doubt. If a plant like Rolphton can start to come to the end of its useful design after 17 years, when it was meant to last for at least 30 or even 40, then all of the economics of nuclear power and of the more modern stations built subsequently could also be in doubt.

The point is not that we know that Rolphton is unsafe and should be shut down indefinitely; the point is that the public, the concerned citizens in Renfrew, people across the province and members of this Legislature, have the right to seek reassurance, if reassurance can be found, or to know what the true facts are on the other hand.

That's why we think it was arrogant and presumptuous of the government to reject this motion, we think it was wrong of both the government and the Liberal Party to resist debate of the committee's report at an earlier date, and we think even now that this committee's report should be adopted and the government should agree to turn the valves back off, to shut down this plant, to let the select committee look into the safety questions at Rolphton—

**Mr. Mancini:** Your time was up three minutes ago.

**Mr. Cassidy:** —and not to aggravate unnecessarily the public concern over nuclear plant safety, be it at Rolphton or anywhere else in the province.

**Mr. Cureatz:** Mr. Speaker, I might say that I welcome this opportunity to address the Legislature tonight, because I believe a nuclear debate is both timely and important.

**Mr. Mancini:** Is this your own speech?

**Mr. Cureatz:** I think in the context of this debate on the Rolphton nuclear plant, it is important that the opinions and views of the members of this Legislature appear on the record so that all the public may see.



We have already heard from my honourable colleague the Minister of Energy, details of the many safety systems at the Rolphton plant. We have heard a great deal of opinions and facts about nuclear power expressed by other members. I think the record will show that we in the Legislature are all of one voice when we express our concern that Ontario Hydro's nuclear generation facilities must provide maximum protection from nuclear accidents of any kind for our population. I would like the record to show that I am one who firmly believes Hydro has given us that kind of protection. In Ontario, safety has always been regarded as foremost in the operation of nuclear plants.

**Mr. Bradley:** How much do they pay the speechwriters over there?

**Mr. Cureatz:** Backup safety systems have long been a fundamental feature of the Candu reactors used in Canada. Members opposite would like to paint a picture of disaster when they speak on the subject of nuclear power.

**Mr. Bradley:** Never.

**Mr. S. Smith:** No one has done that. Be responsible.

**Mr. Bradley:** When he wrote the speech, he anticipated that and then he didn't have it.

**Mr. Cureatz:** Members on this side of the House will argue in favour of this efficient, safe and, I might add, very necessary manner of generating electric power needed to meet our requirements in Ontario. By that I mean Hydro's nuclear generating system has proved its reliability and safety. The physical factors that became the problem at Three Mile Island in Pennsylvania have been anticipated in the design of the Candu generation system which, to avoid similar problems, has been designed quite differently. The backup mechanisms incorporated into the Candu reactor, as well as the design changes, would prevent the kind of failure that occurred in Pennsylvania as well as many other problems.

**Mr. Bradley:** Such an intricate knowledge of nuclear energy.

**Mr. Cureatz:** This is not to say there cannot ever be a problem of any kind with the Candu system. We must accept, however, the fact that the Atomic Energy Control Board and Ontario Hydro have minimized the possibility of any accident to the highest possible degree.

**Mr. Bradley:** I thought you couldn't read in the House.

**Mr. Cureatz:** We must place credibility in findings such as those of Dr. Porter in his interim report on nuclear power in Ontario. He stated that while the absolute safety of

any industrial or human activity, including the generation of electricity, cannot be assured, nuclear power as generated by Hydro's Candu reactors is reasonably safe. The record of the Candu reactor reveals it to be the safest form of energy-related technology known to man. In fact, nuclear technology has been so closely monitored and controlled since its inception in Canada that I would suggest it would be very difficult to find another industry work place that is as safe.

I would like to add the comment that I think there has been an incredible lack of perspective involved in the reporting of the recent nuclear issues in the news media.

**Mr. Bradley:** They've been reporting Jim Taylor's speeches.

**Mr. Cureatz:** The public has been treated, by and large, to only one side of the case concerning nuclear energy.

We on the government side welcome the select committee's scheduled thorough review of nuclear safety and all of Hydro's operations in this summer to come. We welcome it not only because we have confidence Hydro will be able to demonstrate to the satisfaction of committee members that safety is an absolute priority with Hydro, but also because the public will be reassured by such a frank and open and full discussion of the issues.

**Mr. Bradley:** That will be something new.

**Mr. Cureatz:** I would like to remind the members, as has been already quoted tonight, about the Premier's comments to the Canadian Nuclear Association, that the public must have a right to know. I would similarly remind members of this House that we too, as elected representatives of the public, have an obligation to be responsible on this issue. It is our duty and our responsibility to present the whole picture in this nuclear question. I say to the opponents of nuclear generation specifically that their solution, that is, shutting down the source of concern, is neither realistic nor practical. Nuclear generation forms a significant portion of our present energy supplies.

**Ms. Gigantes:** Not Rolphton.

**Mr. Philip:** Rolphton doesn't.

**Mr. Cureatz:** No amounts of conservation or renewable technology could replace this contribution, and the cost on our Hydro bills of paying for more coal, oil and gas generation would be staggering.

I would like to add, finally, that the motion to close Rolphton is without rationale. The Atomic Energy Control Board, which licenses and inspects all nuclear plants in Canada,



has found the plant safe to operate at 100 per cent power. In 61 accumulated reactor years of nuclear power operation in Canada, that board has an unblemished safety record, as does Ontario Hydro.

Thank you, Mr. Speaker, for the opportunity of saying a few words.

**Mr. Bradley:** Well read.

**Mr. Conway:** Mr. Speaker, I rise tonight to speak as the local member. I do so, recognizing time is reasonably short, but I do want to offer some remarks which, I must say, I offer with a sense of anger and frustration at a lot of what has characterized the so-called Rolphton issue.

[10:00]

I do so as someone who lives, like four and five generations of my forebears, in the Ottawa Valley where this controversy and this plant are now located. I do so as the local member who understands more keenly, I would like to believe, the unique problems Rolphton has presented to both this House tonight and to the select committee over the recent past. I do so as the local member who understands that in my otherwise economically depressed county, the atomic energy industry is clearly an important one, and I do so tonight, appreciating the particular vested interest that brings me to this debate. I do so perhaps as someone who remembers the impact of an earlier family of electrically oriented plants upon my local environment.

I can well remember, and I can take anyone who wishes to come with me to look at it, the environmental impact of what was always thought to be a much cleaner and a much less difficult generation means and that, of course, was hydro power. We butchered some of the most beautiful natural resources in my county, the Ottawa and Madawaska rivers most notably, so that we could export power down here to the industrial heartland of southern Ontario. The dammed areas of my county stand as a living testament to the problems of that earlier family of electrical generation means.

We have accepted the nuclear waste from Port Hope and Carleton East and paid a hell of a price, \$2 million I am told, to have the privilege of taking the junk in my county. I didn't hear the member for Carleton East make a great deal of noise about that. I consider it offensive to spend \$2 million of the taxpayers' money to export that low-contaminant waste those many miles when clearly it did not need to be so organized.

In the context of the Renfrew county environment, and I see my colleague the member for Renfrew South (Mr. Yakabuski) joining us, I understand the economics that have left us unhappily depressed, relative to the Pickering and to the Carleton Easts where the residents have enjoyed a much higher standard of economic circumstances in the middle of the 20th century.

In that environment I understand the position in which the government has placed us where the 2,200 jobs at Chalk River and the 500 jobs at Rolphton mean a heck of a lot more to my county and those reeves who wrote the Leader of the Opposition and the Premier and others. I understand the corner into which we have been backed in that connection.

So that there is no misunderstanding, I stand here tonight and support in principle what I have always supported. I am a pro-nuclear person. I believe it to be a very valuable part of our energy component, now and in the future. I appreciate what those people working at Chalk River have done for me and have done for all of the honourable members in not only the terms of providing a new kind of power, but the tremendous local, provincial and national technology that has grown up around that. I will not let anyone there or elsewhere cast me as anything but a pro-nuclear person. That is the way I have felt, that is the way in which I have campaigned in two elections, in Deep River and elsewhere, and that is the way in which I approach this debate tonight.

But unlike some, I am not prepared to stand here tonight and say "nuclear energy, right or wrong." I am not prepared, as someone sent here with a mandate, to leave the environment for another generation in a way in which I found it; to dismiss, out of hand, legitimate questions raised by legitimate citizens in my county and elsewhere in relation to this plant or any other. Surely it is a first principle in a democratic society that people, concerned people, whatever their point of view, have a right and I dare say a responsibility to bring before all of us their legitimate concerns about public policy as all of us in this room and elsewhere made it.

I look around the public galleries tonight and I see some familiar faces from both sides of the local debate and I am glad to see them here. I look around me and I see people from Ontario Hydro and to those people and to those from the Ministry of Energy I want to say something that is not very polite. Not in four years as a member and in many years before that have I seen such a terrible botchup in public relations. The people in



the ministry, the people at Ontario Hydro have served very poorly those 200 or 300 people at NPD.

**Ms. Gigantes:** That wasn't a botchup, that was lies.

**Mr. Conway:** They have not got their message out. They have failed to put any kind of a public image on what it is they were trying to say and the ones they have betrayed most tragically are the very people in their employ, 300 miles away from here and I want them to know it.

For the multimillion-dollar PR operation they have at 700 University Avenue and elsewhere they ought to be ashamed of themselves. I am not about to—now, or in the immediate future—forgive them for that betrayal of some very fine, hard-working Hydro employees who are not very pleased, privately at least, with what it is they have been left.

Neither am I very happy about the way in which my colleague from Carleton East has characterized the Rolphton plant. To use her phrase of the other day it was "a rattletrap."

**Ms. Gigantes:** It is a rattletrap.

**Hon. Mr. Baetz:** She should be ashamed.

**Mr. Ashe:** She doesn't even know where it is.

**Mr. Conway:** Well, sometimes her virtuous piety is acceptable, but I am not about to stand here tonight or at any other occasion and listen to her make such charges which are clearly untrue and absolutely irresponsible and she knows it.

**Ms. Gigantes:** A point of privilege, Mr. Speaker: As the member for Renfrew North has suggested I have made accusations which are lacking in truth and are irresponsible, I call upon you to rule that that is not the correct way to describe my statements at all. There may be a difference of opinion—

Interjections.

**Ms. Gigantes:** —between the member for Carleton East and the member for Renfrew North on this matter, as there most undoubtedly is, but to describe my statements as untrue is something I cannot accept and I hope you will not accept.

**Mr. Conway:** Mr. Speaker, I want to—

**Mr. Renwick:** Mr. Speaker, on a point of order: You have to rule on this. The member for Renfrew North said my colleague the member for Carleton East had made statements which were untrue and that she knew them to be untrue. I ask you to have the honourable member withdraw those statements.

**Mr. Conway:** Mr. Speaker, I will, if it assists you in your consideration, withdraw the aspect of untrue and repeat, unequivocally, that those statements were irresponsible and absolutely unwarranted.

Interjections.

**Mr. Conway:** I want to say I was impressed by the Premier's recent speech. I was very impressed by what he had to say about the people's right to know.

We may be 250 or 300 miles away from here but my people, however many or however few, with whatever point of view, with whatever prejudice, real or otherwise, they too have a right to know. They too have a right to know what it is that has been occurring at the NPD at Rolphton. There is, surely, much local concern about the media attention which has been directed at a facility which has existed there for some time. I support entirely my colleagues in the select committee, who in my view acted with responsibility and with genuine concern—

**Mr. Ashe:** And with no information.

**Mr. Conway:** —when they put forward their resolution some time ago.

I might conclude by saying that those who would cavalierly dismiss that local right to know and those who would cavalierly make irresponsible and unwarranted statements are in my public and private point of view the real enemies of the people at Rolphton and elsewhere.

**Mr. S. Smith:** Mr. Speaker, I am pleased to rise to conclude the debate this evening just prior to the vote. I recall when the matter of Rolphton first came to my attention and I issued a statement on it—I think it was May 10, if I am not mistaken, or around about then—I had a real concern because a number of citizens had brought to my attention certain statements and certain documents indicating that there were some real problems with regard to the operation of the plant. They had some genuine questions and they wanted these questions dealt with in a public forum.

One recognizes that the Atomic Energy Control Board is not and never has been a public forum. It seemed to me, therefore, that the logical thing to do, since at the time we were assured the plant was shut down for routine maintenance, was to keep it in a shutdown state and hold hearings as soon as possible in the select committee into nuclear safety. The interesting thing was that our intention was that the committee would have the hearings immediately, but the committee acted in a rather strange way. They accepted the notion that the place should be continued



in its shutdown condition, but they refused to hear the matter immediately and instead decided to delay for a month or two.

The interesting thing about that is that it is a bit like a doctor saying, "Hold your breath until I get back to you," and then going on a world tour and leaving the person in this rather unfortunate state of affairs. It is perfectly evident that what should have happened is what I had assumed would happen when I made the statement in the first place, that is, keep it shut down since it was already shut down, and hear the matter immediately. It would have taken a few weeks. By now, we would be long past the point where a decision could rationally have been made by the select committee. But the two other parties had their members decide otherwise. Therefore, we now have this debate this evening in the shadow of the very plant starting up again this very evening. It is just a remarkable coincidence and a remarkable sign of the government's arrogance.

The fact is that what we thought was a routine shutdown, interestingly enough, as time has passed we have found not merely that the plant was shut down on a routine maintenance matter, but that it was shut down because of a very serious leak of heavy water, something which was not known at the time that we made our suggestion that it merely be continued in its state of receiving its maintenance operation.

More than that, the main concern of the citizens' group had to do with the possibility that the emergency core cooling system would not work properly if called upon to work and that there would be certain fuel failures with certain types of ruptures in that plant. What we have now found is that there was indeed a very serious problem in the emergency core cooling system, a problem which was discussed earlier by the Minister of Energy.

What we find, therefore, is that the need to have this matter reviewed is a very important need indeed. What the Atomic Energy Control Board has traditionally been in this province has been a technocracy.

**Mr. Foulds:** Is this the same man who said it would be irresponsible to keep them closed so long?

**Mr. S. Smith:** It has been a group of experts deciding for the rest of us what is and is not safe, what should and should not happen.

Almost every aspect of government is becoming more and more complex. If one takes environment or various matters to do with mining or various commercial matters, more and more matters are becoming highly

technical and complex. If we leave all the decisions to the technocrats, to those few who are highly educated and trained in the precise technical problem that happens to be involved, then we will find shortly we do not have a democracy, but that we who are elected will merely walk around in the shadows of those experts who will tell us in their own paternalistic way what should and should not be done, what is and is not good for us.

[10:15]

We learned at Three Mile Island that the time is no longer here when it is acceptable to put our faith blindly in technocrats. We learned in the select committee here that we ordinary mortals, we legislators, with very little if any expertise in atomic power matters, were able with a little time and effort, to understand the matters at hand and to make intelligent and rational decisions thereupon. I say the same holds with environment and the same holds with all other technical matters. We must reclaim this authority from the Atomic Energy Control Board. We must bring it into some legislative forum or some new kind of control board with both experts and elected, ordinary persons not wedded to the nuclear industry. We must find a new way of regulating these highly technical matters which will determine for all of us and for our children the nature of our future, energy-wise, environment-wise and in many other ways.

I was very pleased at the conversion of the Premier to his new-found policy of openness. I well remember sitting in this House after we in the Liberal Party had had a very tough decision to make—that is, what to do with the so-called 'Schultz, now known as Taves, documents. We got the documents and we did not have the option of going to the Canadian Nuclear Association and making a speech in favour of openness. We had to decide then and there: Are we going to make those documents public? Are we going to be truly open with highly technical, sensitive, possibly even inflammatory matters? We made the decision in favour of openness. We have never regretted it. But I remember the Premier standing and pointing at me and saying how irresponsible that was.

I am highly amused on reading a letter to the editor by the friend of the Premier, the newly appointed chairman of Hydro, saying it was Hydro's idea that we have these matters discussed in select committee. Members will remember very clearly that we



put the matters down in select committee and asked that Hydro be given an immediate chance to respond. Strangely then, as in other circumstances, we were out-voted by the other two parties for very mysterious reasons. Historians will wonder about that but they will soon learn that the real problem is that whenever the Liberals present something in committee, the other two parties decide to say no, and then a few days later try to figure out why it is that is what they said. That seems to be a pattern.

It is nice to see the same Premier who told me on province-wide television how irresponsible I was for giving out the Schultz documents is now speaking of openness. Can it be that he is speaking of openness on such sensitive matters as nuclear energy, when he is keeping closed and secret from the public the public's own opinion as registered in polls paid for with the public's own money? There is an amazing schizophrenia in that particular government. It turns out the nuclear industry is to be open but the Premier and the cabinet are to be the most secretive government in all of North America. I can make that statement without challenge.

Now what have we? We have this Rolph-ton plant. We have a plant where the more we learn the name of Rolph-ton, the more we learn there have been serious problems. We are told the AECB is satisfied. But when one reads the AECB statement, it is not satisfied there could not be a melt, it is not satisfied there could not be a fuel failure, it is merely satisfied that the number of deaths that might so arise would be comparable to the number of death in the coal industry or in some other comparable industry. After all, Rolph-ton is located at some distance from large centres of population and is a relatively small plant.

I take very little comfort from that. The time has come for open hearings; the select committee is the only place where the open hearings will occur; it will cost us absolutely nothing to continue the plant shutdown for a few weeks more until these hearings are held.

**Ms. Gigantes:** You called that irresponsible two weeks ago.

**Mr. S. Smith:** We do not understand the arrogance of the government in insisting upon this type of amendment. I will just say in closing I am highly amused by the fact that the parliamentary assistant—and I might mention when one calls the Ministry of Energy, as we have done, a secretary answers and says, "George Ashe's office." Very interesting.

**Mr. Ashe:** "Mr. Ashe's office," please.

**Mr. S. Smith:** We had a certain problem. The minister presented us with an amendment. Then his parliamentary secretary decided to go one better, to trump the amendment, by adding certain words in his own personal style. I wish the two of them would get their act together. The minister and his parliamentary assistant should be able to decide between them what their amendment is so we can vote against it and show that this House has some rights with regard to such matters as nuclear energy; that the government could wait with this minuscule matter, wait until the select committee has decided the matter and not rush ahead in the face of what is clearly the view of the majority of members of this House.

**Mr. Speaker:** Mr. MacDonald has moved adoption of the report of the select committee on Ontario Hydro affairs.

Mr. Auld has moved that the words "be adopted" be struck out and the following substituted therefor—

**Mr. Nixon:** Dispense.

**Mr. Speaker:** Shall I dispense with the reading of the amendment?

Some hon. members: Read it all.

**Mr. Cassidy:** Read it all—all six Tory amendments.

**Mr. Speaker:** "That the interim report be referred back to the select committee on Ontario Hydro affairs, and that the select committee be reconvened as soon as possible to begin its examination of Ontario's nuclear commitment, including nuclear safety matters, and that the concerns expressed with respect to Rolph-ton NPD be considered in that examination."

Mr. Ashe has moved an amendment to the amendment that the words in the fourth line "as soon as possible" be struck out and the following substituted therefor: "as scheduled and agreed to by the Ontario Hydro steering committee."

The House divided on Mr. Ashe's amendment to Hon. Mr. Auld's amendment to Mr. MacDonald's motion to adopt the report of the select committee on Ontario Hydro affairs, which was agreed to on the following vote:

#### AYES

Auld, Ashe, Baetz, Belanger, Bennett, Bernier, Birch, Brunelle, Cureatz, Davis, Drea, Eaton, Elgie Gregory, Grossman, Havrot, Henderson, Hennessy, Hodgson,

Johnson, J., Kennedy, Kerr, Lane, Leluk, Maeck, McCaffrey, McCague, McMurtry, McNeil, Miller, F. S., Newman, W., Parrott, Pope, Ramsay, Rollins,



Rotenberg, Rowe, Scrivener, Smith, G. E.,  
Snow, Stephenson, Sterling, Taylor, G., Tim-  
brell, Turner, Villeneuve, Walker, Watson,  
Welch, Wells, Williams, Wiseman, Yakabuski.

## NAYS

Blundy, Bolan, Bounsall, Bradley, Breaugh,  
Breithaupt, Bryden, Campbell, Cassidy, Charl-  
ton, Conway, Cooke, Cunningham, Davidson,  
M., Davison, M. N., Duksza, Eakins, Epp,

Foulds, Gaunt, Germa, Gigantes, Grande,  
Haggerty, Hall, Isaacs, Johnston, R. F.,

Lupusella, MacDonald, Mackenzie, Mancini,  
McClellan, Miller, G. I., Newman, B.,

Nixon, O'Neil, Peterson, Philip, Reed, J.,  
Renwick, Riddell, Ruston, Samis, Smith, S.,  
Stong, Swart, Van Horne, Warner, Wildman,  
Worton, Ziemba.

Pair: MacBeth and Edighoffer

Ayes 53; nays 51.

The House divided on Hon. Mr. Auld's  
amendment, as amended, which was agreed  
to on the same vote.

Motion, as amended, agreed to.

The House adjourned at 10:45 p.m.



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No. 73

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# **Legislature of Ontario Debates**

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Friday, June 15, 1979

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

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FRIDAY, JUNE 15, 1979

The House met at 10 a.m.

Prayers.

### AUDIO-VISUAL EXPENDITURES

**Hon. Mr. Snow:** I would like to comment briefly on Toronto Star columnist Jonathan Manthorpe's reference in yesterday's edition to my ministry's film and audio-visual operations. Mr. Manthorpe wrote that my ministry operated a film audio-visual operation with an annual value of \$160 million. I would understand these figures if they were merely typographical errors—that is, if Mr. Manthorpe was intending to say it was \$16 million or even \$1.6 million. But the correct figure is \$132,741.41. That includes all salaries, benefits, expenses, film stock purchases, private-sector processing and sound mixing charges—even imaginary rental fees against the space occupied by the staff, who, besides shooting film, handle still photography, research photography, slide photography, et cetera. Finally, our audio-visual people do not film major productions. Should MTC require one we would go outside to have it done as we always have.

### STATEMENTS BY THE MINISTRY

#### RECRUITMENT OF FOREIGN WORKERS

**Hon. Mr. Grossman:** Mr. Speaker, questions were raised in the Legislature on Friday, June 1, 1979, by the leader of the third party regarding a request which Rio Algom has made to the local Canada Employment Centre in Elliot Lake to hire skilled tradesmen from outside Canada.

After thorough investigation, I find the facts regarding this overseas recruitment proposal are similar to a statement I made on April 23, 1979, in response to questions raised in the House regarding the General Motors overseas recruiting program.

On June 4, 1979, representatives of Rio Algom met with officials of my ministry to discuss skilled-labour shortages. The company's operation in Elliot Lake consists of the mining and refining of uranium ore. Its current work force is 2,000 employees, and it expects to increase this by an additional 500

employees within the next 12 months. Furthermore, the company's projected manpower planning estimates indicate that by 1985 the work force will be 3,500. The company's ratio of skills is one tradesman to seven other employees.

I must bring to the attention of the leader of the third party that although the company has registered 130 skilled vacancies with the local Canada Employment Centre, it is seeking to hire only 40 of these workers from outside Canada. These overseas requests are for 10 maintenance electricians, surface and underground; 15 heavy equipment mechanics for off-road vehicles, surface and underground; and 15 industrial maintenance mechanics—millwrights, surface and underground.

The leader of the third party said on June 1, 1979, that Rio Algom had 25 trainees. This is incorrect. The company in fact has 146 trainees. He also said that Rio Algom was going abroad to recruit five times as many tradesmen as it had trainees. This is also incorrect.

**Mr. Pope:** As usual.

**Hon. Mr. Grossman:** The company in fact is seeking to hire 40 skilled tradesmen from outside Canada.

Furthermore, the leader of the third party asked why the company has made no effort to expand its training program. I must bring to his attention that Rio Algom recognized in 1975 a need to increase training in its establishment and its current total of 146 trainees constitutes a ratio of one trainee for every two tradesmen, this being one of the highest ratios in any industry in Ontario today.

**Mr. Pope:** How about that?

**Hon. Mr. Grossman:** For the three skilled trades which may possibly be recruited from abroad, the company is already employing 65 trainees: 19 electricians, 30 heavy equipment mechanics and 16 industrial maintenance mechanics.

My officials inform me that Rio Algom is most co-operative in providing information about its manpower planning. The company's representatives have also discussed the possibility of overseas recruiting with union officials of Local 5417. The company's skilled-labour shortage has become more critical in



the last two weeks as a result of the return of Inco workers to Sudbury with the recent settlement of the strike at that company. One hundred and twenty workers have already notified Rio Algom that they are returning to Inco. Fifty-three of those workers are highly skilled tradesmen and comprise a significant portion of the 298 skilled tradesmen employed by the company.

In view of the company's proposed expansion plans and the serious effect that lack of skilled tradesmen may have on the current training programs, my officials are seriously considering the company's request. However, before initiating overseas recruitment, further discussions will have to be undertaken with representatives of the Canada Employment and Immigration Commission of course. We anticipate that a decision will be reached within the next two weeks.

#### YOUTH EMPLOYMENT PROGRAM

Hon. Mr. Wells: Mr. Speaker, I would like to provide a brief progress report today on the Ontario Youth Employment Program. Now in its third year, this program has once again proved to be a most effective one for the young people of this province.

At the moment, close to 20,000 applicants have been approved under the program, representing over 50,000 jobs for young people and a provincial commitment of some \$47 million. Because of the increased interest in this program this year, it already appears certain that the provincial funds requested will exceed the amount originally appropriated. None the less, in keeping with this government's commitment to create jobs for our young people, we will honour the original July 3 deadline date for receipt of applications from interested employers.

As I said, this probably will result in overspending on our initial appropriation for the program but we feel that because of the enthusiastic response from business and the direct benefits to young people substantial numbers of job opportunities should not be lost.

By the July 3 deadline, it is estimated that commitments will be made to at least 25,000 employers, representing a potential of 65,000 jobs under the program this year. However, based on our experience over the past two years, some positions that have been approved under the program will not materialize or will not be filled. Others will be filled for a shorter period of time than was originally anticipated.

After taking these factors into consideration, we still expect that at least 45,000

jobs will be created at a total cost to the program of about \$30 million. In comparison, last year about 16,500 employers created some 34,000 jobs; the total provincial expenditure was \$20.3 million.

We are pleased and encouraged by the response of business people and the agricultural community to the Ontario Youth Employment Program. When this year's final figures are added to the other summer employment programs of this government, we expect that more than 75,000 young people will directly benefit.

#### CHILDREN'S SERVICES LEGISLATION

Hon. Mr. Timbrell: Mr. Speaker, I have been asked to give the following statement for my colleague the Minister of Community and Social Services (Mr. Norton) in his absence from the House; so the context will be as if I were speaking in his place.

As I have indicated before to the House, today is the date of proclamation for the pieces of legislation affecting children, to which the Legislature gave third reading last December. I want to remind members of that fact and describe, at least in a summary way, the importance which the government has placed on its extensive review of legislation protecting children.

During the period of public consultation which preceded my introduction of bills for first reading almost exactly a year ago, we referred to our legislative recommendations as short-term amendments. This reflected both the housekeeping nature of some of the amendments and the fact that in the longer term we intend to submit even more comprehensive, omnibus legislation to meet the needs of children. That work is going on now.

Despite their interim nature, however, the acts which will be proclaimed tomorrow contain important and far-reaching measures. They enable individuals and agencies to improve the quality of care which they can provide, and they enable my ministry to supervise that care more effectively. The acts establish that a child who can do so may participate in decisions which affect his or her future, whether in a treatment setting or before the courts.

Child abuse, and the whole network of issues which surround it, has quite properly captured a great deal of public attention. Specific provisions of the Child Welfare Act, including a formal child-abuse registry and compulsory reporting requirements, will help children's aid societies, the courts



and my ministry to respond more effectively when a child requires protection and to identify sooner family situations which may threaten the safety of a child.

Those children who require protection under the law will be better served by the new legislation. The courts will enjoy greater discretion to pursue the best interests of each individual child. In addition, children who need care in a residential setting apart from their own families will benefit from improved standards of residential care.

Three important changes affect the adoption of children. These changes will extend the benefits of a permanent adoptive home to handicapped children who have otherwise been difficult or impossible to place. They enable the government to control private adoptions to be sure that the best interests of the child are served in private placements. Finally, the adoption disclosure register strikes a balance between the competing interests of the right to know and the right to confidentiality. No person will be forced to surrender confidentiality but, where all parties consent, adopted children and biological parents may be brought into contact.

Amendment has been made to almost all areas of social service to children. The fundamental goal which describes them is the desire for a more effective and sensitive response to the needs of individual children requiring those services.

We believe that, wherever possible, a child should participate to the level of his or her ability in decisions which affect him or her, and the legislation reflects that conviction. Many of the children affected are ones who have suffered traumatic experience and the measures we have taken will ensure, I believe, that the helping process does not aggravate that hurt.

On behalf of the government and of staff within the Ministry of Community and Social Services, I want sincerely to thank members on all sides of the House who gave consideration to these bills and provided criticism which was positive and constructive. I believe they are excellent pieces of legislation.

#### SECURITIES LEGISLATION

**Hon. Mr. Drea:** Mr. Speaker, over the past several months, stock bargains, expansion requirements and an improved investment climate have resulted in a flurry of takeover bids. While this buying spree has been a bonanza for many investors, it has also given rise to circumstances which were not con-

sidered when the new Securities Act was written. Therefore, I would like to clarify some important provisions contained in the Securities Amendment Act, which I will be introducing later today.

[10:15]

By insisting on time limits on takeover bids, the existing securities legislation helped to assure that the stock market would operate in an orderly manner. But when investors are hit by offers, counter offers and revised offers, as they were when the Thomson and Weston families vied for control of the Hudson's Bay Company, they may need more time to weigh the alternatives.

To solve this problem, the amendment requires that when an offer is amended, the date the offer expires will be based on the date the amended offer is mailed to shareholders, not the date the bid is originally made. If the change involves only the amount of cash offered, a minimum of three working days after the notice has been mailed is required.

The takeover battle among the Bay, Simpsons-Sears and Sears also demonstrated that these events cannot be dealt with strictly from an Ontario point of view. Therefore, the amendments also allow joint hearings to be held with other securities commissions.

In addition, the amendments include minor housekeeping changes to some of the provisions affecting insider trading. These amendments reflect the continuing vigilance of the Ontario Securities Commission in reacting quickly to current situations.

The new Securities Act, which passed third reading last year, becomes effective this fall. The amendments are being introduced now in the hope that they will become law at that time. I ask for the support of the House in ensuring that Ontario securities legislation continues to be both effective and responsive.

#### TAX DISCOUNTERS

**Hon. Mr. Drea:** Mr. Speaker, later today I will also be introducing a form of housekeeping bill. It is An Act to repeal the Income Tax Discounters Act, 1977. The reason for that is that we passed it originally in this House because the federal government dragged its feet on the matter. Now that the federal government has passed an identical act that has precedence in all the courts, this act is entirely redundant and there is no real reason to keep it on the statute books of the province.



**Mr. Peterson:** What are you going to do about the American exchange?

### ORAL QUESTIONS

#### USE OF HERBICIDES AND PESTICIDES

**Mr. Nixon:** I have a question of the Minister of the Environment, David Schatzky's best friend. Can he tell the House that he truly believes that certain parents are exposing their children to 2,4-D sprays simply as publicity measures in their continuing fights with local authorities to ban the use of these sprays in schoolyards?

**Hon. Mr. Parrott:** Mr. Speaker, I suggest that I will repeat here today exactly what I said outside of the Legislature yesterday.

**Mr. Nixon:** Surely not.

**Hon. Mr. Parrott:** Yes.

**Mr. Nixon:** I heard what the minister said outside the House; he is not going to repeat that.

**Hon. Mr. Parrott:** I am very pleased to do it, either what I said in the House or outside of the House. I think if the honourable member checks any of the electronic media, he will find exactly the same thing. At that time, I said it has been reported to me that people had presented their children for photographic purposes close to the sprayers. That is precisely what I said. At no time did I make any accusations. I am not worried about that. I am saying exactly what I said then, that it has been reported to our ministry. That is exactly the way it is.

**Mr. Nixon:** Supplementary: Since the minister said yesterday that it was a matter for local autonomy, whether or not he used the precise words, and since the people who are involved in the arguments associated with the controversy feel the minister has drawn public attention to irresponsible charges that they are needlessly exposing their children simply for publicity purposes, will the minister clear up the matter for once and indicate that school boards really do not have any alternative under the minister's guidelines except to abandon the use of 2,4-D for the spraying of school playgrounds during times when children are on the grounds or might soon be on the grounds?

**Hon. Mr. Parrott:** That is quite a different presentation to what has ever been made here before. We are talking about spraying when children are there. Of course, that offends the guidelines. Naturally, there is no question about that. That kind of presentation has never been made in this House before. We were talking about banning the use of 2,4-D.

**Mr. Swart:** Did the minister never think of it?

**Hon. Mr. Parrott:** That is quite a separate thing from banning the use for improperly applied applications. Always and consistently, almost every time the question has been raised, I have said we are not going to ban 2,4-D because no other province in Canada has decided that it should and as our scientific evidence tells us we should not.

**Mr. Wildman:** Be a leader.

**Hon. Mr. Parrott:** But we have always used the precaution, "when it is properly applied." That is true not just for personal injury but for environmental damage as well. If one causes damage to someone else because of the improper application of the chemical, one is violating the rules and should be prosecuted. That's been the consistent position we have taken all along.

The school boards are aware of the guidelines and they are aware of the directions; if they hire a commercial applicator, they have to have a permit for applying herbicides and fungicides. All of that is known. The guidelines, as I reported in the House yesterday, are again being brought to the attention of the school boards, this time on an individual basis, so there can be no doubt they are aware of those guidelines.

The decision should be up to the school boards. As I said yesterday in the House and repeat again this morning, it doesn't make a lot of sense, if one is going to ban non-agricultural uses, to ban only a very tiny fraction of that. I am sure the member for Brant-Oxford-Norfolk would agree that agricultural use of 2,4-D is widely accepted and very necessary.

The alternative would be to ban non-agricultural uses, and any proposals so far have been for a very tiny segment of the non-agricultural uses. That makes no sense, particularly when the local boards can make that determination for themselves if they so wish. We have a lot of faith that not only will the boards make that decision if it is their wish—it is their right, for sure—but we also have a lot of faith they will use their best judgement as to when and how to apply the herbicide. If not, they should be held accountable for their actions. But I have that kind of faith in the boards, and certainly as regards those with whom they would contract for spraying.

**Mr. Cassidy:** Mr. Speaker, I want the minister to understand the concern that exists about the use of 2,4-D in connection with schoolchildren. This week I had a call from a mother in Richmond, in the Carleton school



board area, where the spraying of 2,4-D in the schoolyard was going forward without the principal and teachers being involved. This woman's daughter went out on a nature study—

**Mr. Speaker:** Question?

**Mr. Cassidy:** —the next day and was exposed to the 2,4-D and went home sick.

Will the minister not refer the scientific information which has been brought to his attention in this Legislature to an independent body, not the Pesticides Advisory Committee, since that contains mainly representatives of the ministry itself and of the industry? Will he refer the problems that are connected with the danger to children in schoolyards to an independent review? Will he stop the use of 2,4-D in schoolyards until such an independent review can come back? Will he, in other words, accept his responsibility as Minister of the Environment for protecting children from possible hazards of this herbicide?

**Hon. Mr. Parrott:** That was a fairly long question and I would like to reply to it at some length. I think the leader of the third party originally brought the issue here concerning 20 or 30 children who were affected. Obviously, I was interested in knowing whether this was correct.

**Mr. Pope:** Now there's only one.

**Hon. Mr. Parrott:** My friend and colleague the Minister of Health (Mr. Timbrell) has this report which I would like to read into the record, if I may. I think it is fairly pertinent.

"The medical officer of health for Haliburton-Kawartha-Pine Ridge health unit has attempted to locate the alleged case of 2,4-D intoxication. Telephone inquiries to the local physicians and hospitals have been negative. Further inquiries have been made and no schools have confirmed that any children have been so affected.

"Dr. Mikel believes the reference to 'spokesmen for the Ministry of Health' was probably a mistaken reference to the health unit. To our knowledge, no Ministry of Health personnel were involved in the statement."

What I am putting first on the record is that, given that bit of research, we have no evidence at all to substantiate the claim the member made about these ill people. I am still waiting for him to send over the names of those people who were alleged to have suffered from the application of 2,4-D. The member hasn't yet done that. I'm waiting.

**Hon. Mr. Timbrell:** And the doctors.

**Hon. Mr. Parrott:** And the doctors. But also, if I could put some visual aids here, and I think it's important, because in the context of what the opposition is asking me to do—to ban 2,4-D—I have to reject the comment made by the member for Ottawa Centre—

**Ms. Gigantes:** That wasn't what he asked you.

**Hon. Mr. Parrott:** —that the Pesticides Advisory Committee is biased because it has some people from the industry. What he refused and didn't put on the record was a list of the full membership of that committee. I think if he did he would find it was a very wide cross-section, predominantly people in the academic community who have no axe to grind whatsoever; none.

**Mr. Wildman:** Who work on research projects funded by the private sector.

**Hon. Mr. Parrott:** It's their reputation that's on the line. I have a lot of confidence in that Pesticides Advisory Committee.

Let me, to put this in context, bring out my bag of goodies. Let me put on this desk four or five common household items which are used every day.

**Mr. McClellan:** I'd move out of the way if I were you, Tom. This minister would make a good travelling salesman.

**Mr. Speaker:** Order.

Interjections.

**Hon. Mr. Parrott:** The members opposite may laugh.

**Mr. Foulds:** Turn the labels towards the television cameras.

**Hon. Mr. Parrott:** The members opposite may laugh, but I don't find this particularly funny. If any of us are needlessly exposing our kids—any of us, myself included—to harmful substances, let me tell the House I'm on the side of the kids, and I'll stand up any day and be counted to try to protect those kids. Let me put that firmly on the record.

**Mr. Conway:** Does that mean you support motherhood by implication?

**Hon. Mr. Parrott:** I think if any members opposite would go home this weekend and look in their kitchens and in their gardens, they will find at least three out of these five products.

**Ms. Gigantes:** Would you spray your kids with Javex? Shame on you.

**Hon. Mr. Parrott:** I wish you would just for a moment give me the opportunity to make a pretty significant point, at least in



my mind. Here is a commonly used bleach. Would any of you like to take even the smallest sip of it? Of course not. You know what it would do to your digestive tracts.

**Mr. McClellan:** Take some 2,4-D and say how safe it is, Harry.

**Hon. Mr. Parrott:** I'm not going to be put off on this issue very easily.

**Mr. Speaker:** This is a question period. I appreciate that the minister is trying to make a point by way of answer to a series of questions, but we've spent 11½ minutes and we're still on the first question. I hope the minister will get to his point very quickly.

**Hon. Mr. Parrott:** Mr. Speaker, if they will allow me to, I'll be more than pleased. I've had the horrible experience of trying to treat a child who had taken just a little out of that bottle and it's an unbelievable experience. It's one that you wouldn't mess with.

**Mr. McClellan:** Tell us what this has to do with 2,4-D?

**Hon. Mr. Parrott:** Here is a furniture polish. Read the instructions on it, and how dangerous that is. Yet all of us have that in our homes, all of us, and a little bit of it will be toxic, even fatal.

Here is another herbicide-fungicide that many of us are using. Here are probably the two most important ones I want to bring to your attention and one is sugar. Don't laugh about this. If you'll read the article in the current Atlantic magazine you will find that is a proved carcinogenic agent. It is proved—not suspected, as the leader of the third party would say, but a proved one. I refer you to the current issue of The Atlantic. I present the final piece—

**Mr. Wildman:** Do your kids smoke cigars?

**Mr. Nixon:** The Premier doesn't smoke cheap cigars.

**Hon. Mr. Davis:** I don't smoke cigars at all, now.

**Hon. Mr. Parrott:** I'm not worried about that.

In conclusion, so many of these people over there are worried about a suspect agent, but every one of us knows there isn't a greater carcinogenic agent in society than the use of tobacco. I'm not being asked to ban that. I'm not being asked to ban sugar. I'm not being asked to ban those that are proved beyond doubt; I'm being asked to ban something that is suspect. I think the leader of the third party is on thin ice.

**Mr. McClellan:** When is the next Tupperware party?

**Mr. J. Reed:** A supplementary: I should like to point out to the minister, after that impressive display, that the school board naturally are looking for leadership from the government, and I don't understand the minister's concept or the way he interprets local autonomy in this case.

[10:30]

**Mr. Speaker:** Question.

**Mr. J. Reed:** The question is, why doesn't his ministry provide leadership to the school boards so that they can be sure and be confident in what they're doing?

**Hon. Mr. Parrott:** Some time ago a man by the name of Lincoln had a pretty famous quote. That quote was that you can't permanently help someone to take the responsibility if, in the short-term, you make those decisions for him. He said it a little better than that. It's a bit of a paraphrase, but let me say again to the member, the leadership that we're taking—and I think it is right—we have investigated.

We have asked the best minds, not only in our own jurisdiction, but of all jurisdictions in Canada. I raised that just last week, a week ago yesterday, and have confirmation that no province feels we should ban it. None of their experts feel we should ban it. We have to reinforce the fact that everyone knows how to apply it. We have sent those instructions out to the school boards. We have had them on file and we've supplied thousands of copies to various people.

We've licensed those who apply commercially. If that isn't showing leadership, Mr. Speaker, I'm afraid the member opposite and I have a different sense of what responsible leadership is.

**Mr. Wildman:** There is no question about that.

**Hon. Mr. Parrott:** We have a responsibility to this community to be sure that the products we are issuing guidelines on are known and safe if applied properly. I think we have shown the leadership that this very important subject demands.

#### MORTGAGE INTEREST DEDUCTIBILITY

**Mr. Nixon:** I'd like to direct a question to the Premier who might turn to the Treasurer (Mr. F. S. Miller) for assistance.

**Hon. Mr. Davis:** Then ask him.

**Mr. Nixon:** Since the Premier had a chance to have dinner with Prime Minister Clark the evening before last, was there an opportunity between the soup and the fish to discuss the properly reiterated federal policy to make mortgage interest payments deductible, as



this will have a rather dramatic impact on the income tax revenues for the province? Does the Premier recall the Treasurer had some difficulty describing to the House before the federal election what the impact would be? He indicated once that there might be \$600 million involved, then \$300 million involved, and the next time he couldn't remember how much was to be involved. Has the Premier been able to convince Prime Minister Clark that if this is going to be implemented at the federal level it should be and could be done in such a way that it will not reduce provincial revenues?

**Mr. Conway:** Who was the fish and who was the fowl?

**Mr. Makarchuk:** How was the fish?

**Hon. Mr. Davis:** Mr. Speaker, I had a very interesting discussion with the new Prime Minister of Canada. Actually, the subject that the acting Leader of the Opposition—who really does it very well; I've got to tell him we miss him in that former capacity over here—

**Mr. Peterson:** We miss the Premier's leadership too.

**Hon. Mr. Davis:** Why is the member here today?

**Mr. Speaker:** What was the question?

**Hon. Mr. Davis:** What was the question? What we had between soup and fish? Actually I raised this after dessert.

**Mr. Breithaupt:** The Premier can use the pool; at least Joe can't.

**Hon. Mr. Davis:** We were working so hard I didn't have an opportunity to use the pool, but I do want to say this, that for the first time in my memory, at least in my not too frequent visits to 24 Sussex Drive, the new Prime Minister of this country served domestically produced wine from the province of Ontario. I thought that was very good.

**Mr. Speaker:** It seems to me the question had something to do with mortgage deductibility.

**Hon. Mr. Davis:** But that, Mr. Speaker, indirectly relates to provincial revenues which are somewhat dependent upon domestic wine production. That's how I was trying to relate it.

**Mr. Speaker:** That's a bit convoluted though.

**Hon. Mr. Davis:** I see.

**Mr. Foulds:** Did he use Alberta oil on the salad?

**Hon. Mr. Davis:** However, Mr. Speaker, to answer the question quite directly, as I say, we discussed a number of matters and

this question was raised, the question of the implementation of mortgage interest deductibility. I pointed out to Mr. Clark that we were obviously in support of this, as were the majority of Canadians a few weeks ago—

**Mr. Nixon:** I thought more people voted against it—half a million.

**Hon. Mr. Davis:** Oh, listen, a lot of them voted for it. My friend's leader probably voted for it, from what I sense.

**Mr. Nixon:** He hasn't got a mortgage.

**Hon. Mr. Davis:** He hasn't got a mortgage? How fortunate.

**Hon. Mr. Grossman:** He will have.

**Mr. Speaker:** Order.

**Hon. Mr. Davis:** Mr. Speaker, I am trying to come to the point, and they are interrupting me.

**Mr. Speaker:** Yes. The member for Brant-Oxford-Norfolk has already put two supplementaries, and he has not got an answer to his initial question.

**Hon. Mr. Davis:** That's right. The reason he has not yet got an answer to his initial question is that he has interrupted me with his supplementaries.

**Mr. Speaker:** Quite right—and you're enjoying it.

**Hon. Mr. Davis:** Yes, I am. I pointed out to Mr. Clark that it was important from our standpoint that there be no significant impact on provincial revenues when this program is introduced. My recollection is that, both during the campaign and during our discussions the other evening, he was extremely sensitive to this particular problem. He showed a greater sensitivity, I must say, than was shown by the preceding government.

This was raised and discussed, and Mr. Clark is quite aware of the fact that while we support the mortgage interest deductibility program we feel it should be done in a way that would not interfere with the traditional revenues for the provinces, particularly this one.

**Mr. Nixon:** Since the Premier is concerned about who supports the concept—and evidently he does—can he assure the House that he has received a commitment from Prime Minister Clark, who has indicated his first budget this fall will contain this, probably as its cornerstone, that there will be no fiscal impact in Ontario and that the Premier will have his cake and eat it?

**Hon. Mr. Davis:** I think the phrase is, "will have his cake and eat it as well", or "too." I can assure the acting Leader of



the Opposition that this point has been made with Mr. Clark, and I am really quite confident that he is aware of it, sensitive to it and quite understanding of the problems of the provinces if they were to experience any diminishing return from the traditional tax sources.

**Mr. Stong:** A supplementary question, Mr. Speaker: If this plan is implemented by the federal government, there will be a market created. What steps is this government taking to encourage municipalities to bring serviceable lots on to the market to meet the demand that will be created?

**Hon. Mr. Davis:** Mr. Speaker, I think I could report that not only are there a lot of plans close to completion in terms of registration, but at this moment there are also a lot of serviced lots on the market.

The honourable member may be lobbying indirectly for further registrations in the Markham area; I am not sure. If he has some people who cannot find registered lots there, I would invite him to send them over to the great municipality of Brampton, where we have a lot of registered lots, a lot of activity and great optimism and enthusiasm.

In other words, on a provincial basis, there are at this moment a lot of registered lots and, incidentally, a large number of unsold homes on the market.

#### USE OF HERBICIDES AND PESTICIDES

**Mr. Cassidy:** Mr. Speaker, I want to ask another question of the Minister of the Environment respecting the matter of 2,4-D. My concern is that the minister first sought to muddy the waters of this issue by attacking the parents of children in the Northumberland school area, and now he is trying to muddy the waters by suggesting that, because other substances may be carcinogenic, he therefore has no responsibility with respect to 2,4-D.

**Hon. Mr. Grossman:** We should have sprayed it on your front benches.

**Mr. Cassidy:** Will the minister retract his allegations about parents and kids in Northumberland or, alternatively, table reports he may have had from his officials so that the parents there can know of what it is they are accused and can reply in detail, if need be, to the allegations that have been made?

Will the minister also explain, if he thinks parents should be responsible for controlling access to toxic substances in the home, how the parents in Northumberland are to

act when the law says they must send their children to school but the school board refused last night, on a tie vote, to take away the spraying from the schools, the spraying to which they are objecting?

**Hon. Mr. Parrott:** Mr. Speaker, I find it impossible to do what the leader of the third party asks me to do. He asks me to retract the charges I have made. I have not made any.

**Mr. McClellan:** You just made innuendoes; is that all? It was just smearing innuendo; is that all?

**Mr. Pope:** Where are your 20 medical reports, talking about charges?

**Hon. Mr. Parrott:** May I tell the honourable members that on the way in this morning, in an effort to clarify the point a bit more, one of the people in the media who was present yesterday during the whole discussion on the item said, "I didn't hear you say that." Fair enough. He didn't hear me say it. I am maintaining that on no occasion did I say I accused the parents of doing this. I said it was reported to me. That is all I have ever said; so I can't very well retract an accusation that has yet to be made.

**Ms. Gigantes:** Why did you raise it then?

**Mr. Cassidy:** Then table the reports.

**Hon. Mr. Parrott:** I will table whatever report comes in from a regional office on the circumstances of that event, which will likely deal with the reports I talked about yesterday.

The member for Ottawa Centre asked me today to do those things which he is consistently refusing to do. The reason I bring this material here is not to obscure the real issue. It is to highlight the issue. The issue is simply that there are thousands of chemicals in our society and a multitude of uses. As responsible citizens, as responsible members on boards, as responsible members of the business community or wherever, we have to make choices daily and hourly on how we use the chemicals. They must always be used wisely. I am sure members agree with me on that.

I am not trying to obscure the 2,4-D issue. That is a speck on a large spectrum. It is called the use of chemicals in our society. All of us must take the responsibility to treat them wisely and soundly. That is what the issue is and that is where it should stay.

**Mr. McClellan:** That's not quite the issue.

**Mr. Havrot:** Stop grandstanding over there.

**Mr. Cassidy:** Can the minister answer my second question? How are parents who wish to treat this issue wisely and soundly to act if they believe from their knowledge and study of the literature and so on that 2,4-D



use in schoolyards is dangerous to their children, but if they are not in sufficient numbers to have the school board of the area to which they are compelled to send their children act and refuse to use the spray in those very same schoolyards?

Are they to disobey the Education Act and pull their kids out of school or are they to abdicate their responsibilities and send their kids to school, despite the risks involved? Given that dilemma, why will the minister not refer these matters out to an independent committee and stop the use of the pesticides only in schoolyards until they can establish for sure whether or not dangers exist for children in the schoolyards from 2,4-D spraying? That's the question.

**Mr. Sterling:** Let's see your medical evidence. Be responsible for a change.

**Mr. Pope:** Be responsible.

**Hon. Mr. Parrott:** Had we only referred this to the Pesticides Advisory Committee in Ontario, I think there would be some merit in the member's suggestion. For the umpteenth time I am going to repeat that every single province has looked at 2,4-D from a scientific point of view. They have their respective committees. Environment Canada has looked at it and has said exactly as we are saying—

**Ms. Gigantes:** In schoolyards?

**Mr. Wildman:** They have a lot of serious questions about it.

**Hon. Mr. Parrott:** —that when properly applied it is a chemical which should stay on our market.

As to how local people are to deal with their local school boards, I find a variety of reactions throughout Ontario. Some are not discussing it, some have agreed to ban it and some have said they will get more evidence. That's the way it should be. They know the situation. They control the schoolyards. It is their responsibility.

**Mr. McClellan:** Spray first and find out later.

**Hon. Mr. Parrott:** I am not copping out on my responsibility. We looked at it very carefully. I had personally raised this issue and some months ago I had to give notice of it. As a matter of fact, the deadline for giving notice to the conference was May 1. I had that paper put on at my own personal request before May 1. Had I not done those things, I think I would have abdicated my responsibility. That was an indication of my concern. The member can check it out. It is well recorded that I wanted to know the best scientific evidence in Canada and it is very clearly on the record. The answer to the member's request is no.

**Mr. Nixon:** Supplementary: If the minister did not charge the parents with exploiting their children in this way, what was the point of repeating such a scurrilous innuendo? What was the point of even repeating that?

**Mr. Havrot:** This is turning into a comedy hour.

**Hon. Mr. Parrott:** I sometimes wonder what the point is of many of the questions opposite. I'm trying this morning not to be unduly political.

[10:45]

**Mr. Nixon:** What did you raise that for?

**Hon. Mr. Parrott:** I think this issue is far greater.

**Mr. Pope:** He didn't write the article.

**Hon. Mr. Parrott:** When we talked about the harm to children, would the honourable member not agree the issue was joined here by his party and by the New Democratic party well in advance of any comments by myself about people? Would he not agree with that? I think he must. I didn't raise that issue. It wasn't raised by me for any purpose. I am saying there were all kinds of charges about illnesses which I can't get any information on at all, let alone substantiate. I think that is also a very significant point.

**Mr. Warner:** Then you shouldn't have made the comment.

**Mr. Wildman:** Supplementary, Mr. Speaker: Since the minister is concerned about local autonomy as opposed to his responsibility—

**Hon. Mr. Davis:** Are you going fishing this weekend?

**Mr. Wildman:** Yes.

Can the minister assure me he will investigate the concerns raised by parents north of Sault Ste. Marie about the health of their children, as a result of spraying done by Great Lakes Power Company, Ontario Hydro, the Ministry of Natural Resources and the Ministry of Transportation and Communications? Also, can he assure this House that spraying by MNR will not cause any undue harm to wildlife in the area?

**Mr. Speaker:** That's straying quite a bit from the original question.

**Ms. Gigantes:** No it's not.

**Hon. Mr. Davis:** You would have MNR stop spraying, is that it?

**An hon. member:** The only wildlife is on those benches.

**Hon. Mr. Parrott:** I don't really honestly think that's a supplementary to the original question, Mr. Speaker.



## LAKESHORE PSYCHIATRIC HOSPITAL

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Health regarding the closing of the Lakeshore Psychiatric Hospital. I want to ask the minister why it was that on Tuesday of this week, when the social development committee reconvened to look at the question of Lakeshore Psychiatric and when it had been told it would have full documentation about the transition plans, it only got a three-page document from the ministry when the administration at Lakeshore had a 21-page document. This latter document fully detailed everything happening with the transition at the hospital including warnings about a concern that there would be overcrowding at the Queen Street Mental Health Centre unless there was significant control over the outpatient services. Why was this document kept away from the committee this week?

**Mr. Swart:** Freedom of information, eh?

**Hon. Mr. Timbrell:** First of all I'd have to say that from the beginning of this it was unclear exactly what the committee wanted by way of a report. That report was delivered last Friday—

**Mr. Foulds:** That's the same false argument that Hydro is using to force—

**Hon. Mr. Timbrell:** That report was delivered last Friday so the critics and other representatives of the parties opposite, if they wanted additional information, could have the weekend to look at that report and then let us know on Monday morning.

I should tell the honourable member that contact was made Monday morning with the chairman of the committee to determine whether or not my presence was required. He felt no, that I shouldn't change my plans to go to the Salvation Army Grace Hospital and then to London. My assistant deputy minister was waiting in the wings, as was the director of the psychiatric hospitals branch and other members of my staff, to answer any questions the committee had—and they weren't even called.

**Mr. McClellan:** We are coming back to it on Monday, as the minister well knows.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Is it not the fact that this management document which was being used to plan for the shutdown of Lakeshore Psychiatric Hospital indicates clearly the danger of overcrowding at the Queen Street Mental Health Centre right now as a result of the shutting of Lakeshore and therefore that mental health centre might be hard pressed to meet any expansion of service needs in the area? Isn't it also a

fact that this document, which was kept away from the committee, indicates the eight-day inpatient alcoholic treatment program at Lakeshore is going to be ended completely? That's another cutback, when the minister said there would be no cutbacks at all resulting from the shutdown of Lakeshore Psychiatric Hospital.

**Hon. Mr. Timbrell:** The honourable member has very selective recall of things—he's shown that for many years.

**Hon. Mr. Davis:** Selective, and blurred.

**Hon. Mr. Timbrell:** If he will recall, the last time I was at the committee and discussing outpatient programs, I acknowledged then—

**Mr. McClellan:** You were there only briefly—you had to leave, remember?

**Hon. Mr. Timbrell:**—one of the possibilities was that the alcoholic program would be changed to a four-week outpatient program from its present setup inasmuch as a very small number of the people in the alcohol program—I can't recall the exact number—had come by way of the detoxification unit. I am not sure which report the member has, but I can assure him we are simply not trying to hide anything from him. The committee was very vague about what it wanted.

We gave the member the report last Friday so he would have a couple of days to consider what additional information he needed, and could let us know on Monday morning. We heard nothing from him and what is more, my staff were available to answer questions and he didn't even see fit to call on them.

**Mr. McClellan:** Leaving aside the question that we are going back to it on Monday, as the minister well knows, let me ask the minister, is it not a fact he will not be able to accommodate wards A and B of chronically disturbed patients from Lakeshore unless he moves the Queen Street adolescent unit to Whitby?

Second, is it true he is planning the destruction of the alcoholic services program at Lakeshore by removing the detoxification unit? What possible justification on medical grounds is there for these kinds of destructive moves?

**Hon. Mr. Timbrell:** Mr. Speaker, let me just come back to the alcohol program. I indicated at committee there was a possibility it would change from a one-week inpatient and three-week outpatient program to a four-week outpatient program. What we are doing is pursuing with a hospital in the area the possibility of establishing a detoxification unit in that hospital and converting the alcohol program to a four-week outpatient program.



**Mr. McClellan:** At which hospital?

**Hon. Mr. Timbrell:** I will let the member know once the negotiations have been completed.

**Mr. McClellan:** You don't know. St. Joseph's Hospital.

**Hon. Mr. Timbrell:** I am sorry, I do know, but I think at this point we will finish the negotiations first and then I will be glad to share all the information with the member.

With regard to the question of the accommodation of wards A and B, no, it is not correct to say it would result in overcrowding. Yes, the child and adolescent unit, as we have already acknowledged repeatedly, will have to be moved in order to make optimal use of facilities, but I would point out to the member it is not going to result in a deterioration of the program for those children in any way.

### CT SCANNERS

**Mr. Conway:** A new question to the Minister of Health: Is the Minister of Health aware that a subcommittee of the social development committee meeting in Ottawa on Wednesday of this week was told by the executive director of the Ottawa Civic Hospital that the CT scanner which the government and this minister in particular has allowed eastern Ontario, to be located at the Ottawa Civic Hospital, will be available only to the people of Ottawa-Carleton because this government's restraint program will not allow that hospital sufficient operating funds to make it available to the people of eastern Ontario to whom it was promised and for whom it was designed?

**Hon. Mr. Timbrell:** First of all, Mr. Speaker, it is not the sole scanner in eastern Ontario. As the member knows, there is a scanner in Kingston at Kingston General Hospital. In addition, following that meeting, we checked on this and my staff advised me we have not had a budget appeal from the Ottawa Civic Hospital in connection with that matter. Certainly, if they were to submit one, we would be pleased to give it consideration.

**Mr. Conway:** Will the minister report to this House at his earliest opportunity that the appeal which we were told was being made to his ministry from the Ottawa Civic Hospital will be met very positively, so the people of Lanark, Renfrew, Stormont, Dundas and Glengarry will have access to that technology and so the restraint program will not have a regional discrimination in the disfavour of the people I and many other members represent in this House?

**Hon. Mr. Timbrell:** Mr. Speaker, the administrator of that hospital is one of the better ones in the entire province, I am pleased to say—

Interjections.

**Hon. Mr. Timbrell:** —and certainly, if an appeal is submitted that can document this problem, we would be pleased to give it consideration.

[Later (11:17):]

To complete the answer to the question from the member for Renfrew North with regard to CT scanners, I should have added Ottawa Civic Hospital is, under the regulations, a group M hospital and can therefore charge back to any other hospital for services provided on the CT scanner to patients from those hospitals from wherever in eastern Ontario.

[Reverting (10:55):]

### HOSPITAL BED ALLOCATIONS

**Mr. McClellan:** I want to ask the Minister of Health a question in connection with the visit of the social development committee to the four regional centres the other day. Has he had a chance to review the material presented to the committee, and have his officials brought to his attention the problems raised at each of the centres? When can we expect to have a detailed response from the minister to the very real problems identified by those committee hearings in each of the four regional centres we visited?

**Hon. Mr. Timbrell:** I have had discussion with some of the staff that outlined some of the issues raised. We are in consultation, through the area teams, with most hospitals and hospital centres in the province on the specific concerns they have. I can't say I will give it to the member in 24 hours, or that I can give him detailed answers next week. It may take longer than that to arrive at resolutions to some of the concerns raised, but every single one of them will be dealt with.

### DISPOSAL OF PCBs

**Ms. Bryden:** I have another question for the Minister of the Environment. In view of the report in today's Globe and Mail that the ministry may not renew the licence for the PCB transfer station near Smithville, which expires June 30, can the minister tell us where used transformers containing PCB material will be stockpiled until the minister gets on with the job of finding a safe and effective way of disposing of PCB-contaminated transformers?



**Hon. Mr. Parrott:** We could go back to the discussion in committee on liquid hazardous wastes and review very briefly the serious problems on finding sites. I think the committee members made it very clear, one by one, that they were opposed to the incineration of those substances, they were opposed to temporary storage, they were opposed to shipping of those materials, they were opposed to landfilling those materials, they were opposed to the solidification process—I think it is easy to check the record—in other words, they are opposed to everything.

We are going to have to make some tough decisions on this one, too. We are using Smithville for the time being on a temporary basis. Hopefully, the member would join and be part of the support mechanism for a good scientific study on the test burns of PCB material—that might be one excellent way of getting rid of the materials—but I notice that she is very much opposed to a test.

If she is going to prevent me and our ministry from testing any solution, I don't know where they are going, and she had better be as concerned about that as I am, because with her approach there will be no place and they will stay in the local communities with the potential of harm or death to thousands of people. Is that what the member wants? She is turning off the possibility of solution at every opportunity, and then she is saying "You find one." It is not possible.

**Ms. Bryden:** To set the record straight, the standing committee on liquid industrial waste did suggest that finding new technologies for disposing of PCBs should be the top priority, but so far the minister hasn't assisted any groups who are experimenting in this.

I have a supplementary question regarding the test burns that are contemplated for the Mississauga hearings. Does the minister think that the people of Mississauga should be guinea pigs for a test burn in a highly populated area, or can he not test PCB burnings in some other place, not in a highly populated area?

**Hon. Mr. Parrott:** A little bit like the Minister of Health said, there is some selective memory going on here. What the member failed to put on the record this morning is that there is no guinea-pig approach to this experiment. I would be the first to stand—maybe the member for Mississauga South (Mr. Kennedy) would be ahead of me in protesting that. He has spoken to me many times about the issue.

It is a very serious issue, no question about that.

Let me refresh the member's memory. What are we doing prior to the burn? We purchased the most sensitive machine that money can buy, the TAGA 3000. There isn't a better machine in the world, and I don't think she would argue that point. We are now testing in parts per trillion, and we will have, prior to any burning, not only that machine, but that machine calibrated to perfection before we will ask for the burn. Then we will take that machine and put it in the stack, right where the concentration would be highest, and if there are high concentrations, beyond any reason of doubt we will turn it off immediately. [11:00]

But surely, with the tremendous amount of preparation for a test, and the assurance that if those PCB numbers are high enough to injure anyone's health, it will be turned off immediately, the honourable member has a responsibility to come forward and say, "That is good preparation, it is a good test, I support it."

**Mr. Hall:** Given that last December the minister applied 22 conditions to the previously unconditional temporary licence, and given that the operator has an opportunity to appeal and has had time since last December, could the minister tell me why the Environment Appeal Board has not addressed itself to this matter and, according to the news articles, will not be addressing itself to it until September?

**Hon. Mr. Parrott:** I suspect the appeal board is rather busy. I know they are in the midst of a pretty complicated appeal right now. I will be glad to ask the appeal board if that date can be put forward. I cannot answer why the appeal board is not doing something, but I can get the information from the appeal board for the honourable member.

#### AUTOMOTIVE FUELS

**Mr. Haggerty:** I would like to direct a question to the Minister of Consumer and Commercial Relations: What steps has his ministry taken to inquire into the practices of the auto manufacturers and the oil industries relating to a breach of contract concerning required fuels with a higher octane rating than had been agreed upon, with the result of higher gasoline prices added to the increased inflation cost? And what legal steps has his ministry taken, along with his federal counterparts, to correct the breach of contract and ensure that



consumers will be compensated for the violation?

**Hon. Mr. Drea:** Mr. Speaker, the history of this goes back some time. As you know, some time ago the automobile industry, which for practical purposes exists only in the United States, at least on the developmental level—

**Hon. Mr. Davis:** And in Brampton.

**Hon. Mr. Drea:** Yes, and in Brampton. There was a concern in the United States about emissions, particularly of lead. There were undertakings and understandings arrived at in the United States concerning the addition to automobile engines of various emission controls and so forth.

At that particular time there were understandings and arrangements between the government of the United States, certain states and the automobile industry about the type of fuel that could be used. Quite obviously, the leaded regular gas and the leaded premium gas were to be replaced on a graduated basis by unleaded regular and, at a subsequent time, unleaded premium entered into it.

It was the understanding at that time that leaded regular and leaded premium gasolines would remain on the market and that gradually they would be replaced by unleaded regular. For a number of reasons, and really, since they are in American jurisdiction—and how they keep their understandings of their commitments for more than a day at a time I have never been able to understand—that simply did not come about.

For some time, as a ministry, through our energy safety branch, which has some jurisdiction in this matter, we have been trying to pressure the federal government on this matter. Over the summer time we will be attempting to get the new federal government through my federal counterpart, Mr. Lawrence, much more interested than was the previous federal government.

It is not now a very easy thing to move on because, for practical purposes, the oil companies maintain that the fait accompli that is out there on the gas pumps today was caused by the automobile engine designers. In terms of whether indeed there can ever be compensation or not, I have never even thought about that.

**Mr. Conway:** You two guys look like you are about to amend the Human Rights Code.

**Mr. McClellan:** Get to the point.

**Mr. Wildman:** Moving right along.

**Hon. Mr. Drea:** Mr. Speaker, if the House wants an answer to a very complicated problem which is costing the consumer of this province an awful lot of money, I would humbly suggest that certain people not interrupt.

**Mr. Foulds:** We shouldn't have asked you.

**Mr. McClellan:** Get to the point.

**Hon. Mr. Drea:** In terms of compensation, as I said, I do not think anybody has any thought on that. There is a fait accompli out there at the gas pumps that is costing automobile drivers a great deal of money.

Quite frankly, as we move forward in this country in two areas of the automobile engine field, one environmental and the other energy-saving, I think we have to come to an agreement between the 10 provinces and the federal government that the automobile industry is not going to be able simply to make arrangements in the United States and to terminate them in the United States without any consultation, either before the arrangements are made or when they appear to be terminated. In short, the federal government of this country is going to have to take a position on what is going to happen to car drivers and consumers when it comes to the utilization of fuel.

**Ms. Gigantes:** We're lucky to have the American protection, for heaven's sake.

**Mr. Wildman:** That's what it is to have a branch-plant economy.

#### MILK PRICES

**Mr. Swart:** Mr. Speaker, my props relate to a different commodity, but I suggest they are every bit as significant—

**Hon. Mr. Grossman:** We'll drink the milk if the member for Welland-Thorold will drink the additives.

**Hon. Mr. Davis:** He doesn't have the nerve to bring—

**Mr. Speaker:** Order.

**Mr. Swart:** Obviously my question is to the Minister of Consumer and Commercial Relations, and it concerns the increase in the price of fluid milk in the conversion to metric cartons.

Is the minister aware that Borden's in Ottawa converted its two-quart carton to a two-litre carton in January 1979 and that, although the price of the two-litre carton was four cents less, the actual unit price of the milk was increased by 10 per cent? Does he know that no increase was made in the price



of milk in all their other containers, which remained in the imperial measure?

Would the minister not agree that Borden's is using public confusion about the relationship between metric and imperial measure to price-gouge?

**Hon. Mr. Drea:** Mr. Speaker, I'll tell you what I am going to do. I do not know why the member keeps doing this: there is a limit to the ability of the head to go into a buzz-saw. I am going to send today's Hansard to Metric Commission Canada which, as the dear member knows, has been begging for complaints and wants to do something about them. I will pay the postage.

Secondly, I would caution the member not to use phrases like price-gouging and a few others until he is absolutely sure he is correct. If he is wrong again, he is going to have to apologize.

I am delighted that the containers will come over to me. Mr. Speaker, I draw to your attention the fact that the New Democratic Party, through the member for York South (Mr. MacDonald), on the day of the Carnation milk debacle, said they would personally produce to me 400 individual complaints about mismanagement in conversion to metric. To my knowledge, this is the first that has come, and I will send it to the federal government.

For the information of the House, and so the consumers will know exactly what to do and not have to wait until late on Friday to get results, the federal government has a procedure where any consumer in this province, or indeed in the Dominion of Canada, who has a concern about metric measurements, either for information or complaint purposes, can immediately refer the matter and an investigation will be started. It would save an awful lot of time.

**Mr. Swart:** Does the minister not realize that the packaging and the packaging size of milk falls under the Milk Act of Ontario, and that he has control over retail prices? To verify what I have said, I will send across to the minister the wholesale price list of Borden's in Ottawa.

Will the minister also note, when he ultimately receives these containers, that there is no equivalent imperial volume listed on the top of one carton, although on Borden's two-quart carton the metric volume of 2.27 litres is prominently displayed, which is a clear indication that Borden's is trying to hoodwink the public? Does the minister not realize that this is a pilot project by Borden's and, if they get away with it with the minister and with the public, they will do the

same sort of thing when they convert the rest of their cartons to metric?

When the minister finds that I am right—and he will—will he notify Borden's that he disapproves of this practice and that they must prominently label their litre cartons in both metric and imperial volume and that they're not going to be permitted to use the changeover to metric to gouge the public?

**Hon. Mr. Drea:** Mr. Speaker, I will do as I said I was going to do a few moments ago. I would admonish the House that I'm going to really urge the federal government to look into this extremely quickly. After all, it is Ottawa—

**Mr. Bradley:** Your friends.

**Mr. Conway:** Your kissing cousins.

**Mr. Swart:** It's not all Ottawa and you know it.

**Hon. Mr. Drea:** What concerns me is that if the honourable member is right I will probably have cardiac arrest, and if I'm going to have it, I think I should have it before the House adjourns.

**Mr. MacDonald:** On a point of order: In the interest of accuracy may I say to the minister that during the Ministry of Agriculture and Food estimates I brought into those estimates two Carnation cans bought in the Thrift Store at the corner of Jane and Trethewey in the borough of York, each of which was priced at 36 cents and one of which was 10 per cent less in volume.

**Mr. Swart:** The minister will get them.

**Hon. Mr. Drea:** Now or never.

**Mr. Swart:** You don't dictate when you get them.

**Hon. Mr. Davis:** Send them over.

**Mr. Swart:** Dictate over there, not here.

#### ILLEGAL ACTS BY POLICE

**Mr. Stong:** I have a question of the Solicitor General, if I can get his attention. Leaving aside the disturbing reports we have read in the past two years and even this month involving Metropolitan Toronto police shootings, I would like the minister to investigate and assure this House about other tactics reportedly used by Metropolitan Toronto police in the Gordon Allen case and reported more recently in this morning's media, wherein it is alleged by a lawyer that police had laid a charge against an individual who was to give evidence against them at a hearing to which they were responsible, though subsequently those charges against that individual were dropped for lack of evidence. Would the minister assure this



House that there is no involvement or any chances of obstructing the course of justice by the Metropolitan Toronto Police, particularly in the light of these allegations and in the light of the allegations he is investigating now in the Gordon Allen trial?

**Hon. Mr. McMurtry:** I'm not sure I quite understand the question. Obviously, if any police officers are involved in obstructing justice in this province they will be charged. They're not above the law in that respect.

I read the report in relation to the Henderson matter. If that lawyer chooses to make a complaint, I'll certainly review it. But I want to make it clear that the police in this community and in any other communities know that if they are involved, as the honourable member has put it, in obstructing justice, they will be dealt with according to law. There's no question about that.

**Mr. Nixon:** Supplementary: I hope it's appropriate to ask the minister on the basis of this question dealing with law enforcement what he meant when he was quoted in this morning's Sun as "blaming an apathetic public for accepting the increase in violent crime and warning that the situation will get worse if attitudes don't change." That's the quote. Should the public carry guns? Should we get a new Attorney General? What does he mean?

**Hon. Mr. McMurtry:** I haven't read the Sun and I certainly did not say that. I was reflecting yesterday on the public's apathy in relation to certain aspects of violence as entertainment, for example, and expressing my concerns in relation to that, having been questioned in that area. I was not suggesting that the public are apathetic about crime.

**Mr. Conway:** Once more with Juliette.

**Hon. Mr. McMurtry:** Certain questions were put in respect to violence as entertainment, and I did express my concern in relation to public apathy in that area.

#### PROVINCIAL SCHOOLS DISPUTE

**Mr. Bounsall:** In the absence of the Minister of Education (Miss Stephenson) I'm addressing the question to the Minister of Labour. With his obvious great interest and growing experience in negotiations, would he confer with the Minister of Education regarding the situation where the negotiations between our provincial school teachers and Provincial Schools Authority have now broken off and appear to have broken down completely? Will he urge the Minister of Education, with whatever advice he may give her, to involve herself directly therefore in that

situation with a view to reaching a solution, particularly since the contract ran out over 10 months ago? R. E. Saunders, the commission negotiator has completely refused to negotiate over staffing and working conditions and to tolerate a salary increase as high as six per cent, a figure which has become an acceptable base figure now for—

**Mr. Speaker:** The question has been asked.

**Mr. Bounsall:**—virtually all other government employees?

**Hon. Mr. Elgie:** Mr. Speaker, I'll be delighted to share that question with the Minister of Education and give her the benefit of whatever little experience I've obtained over the recent months.

**Mr. Speaker:** The question has been taken as notice and the member will have ample opportunity when it is referred to the appropriate minister.

#### X-RAY EQUIPMENT OPERATORS

**Hon. Mr. Timbrell:** Mr. Speaker, very quickly, the other day the leader of the third party raised a question about the ministry's answer to Order Paper question 199. I regret to say there was an error there in that the communications referred to with respect to developing a program to upgrade the qualifications of some of our technicians is with the Board of Radiological Technicians and not with the society. I regret that error and I apologize to the member and to the House.

#### RECRUITMENT OF FOREIGN WORKERS

**Mr. Cassidy:** On a point of privilege, Mr. Speaker, the Minister of Industry and Tourism (Mr. Grossman) made a statement today about Rio Algom at Elliot Lake. I want to bring to the House's attention the fact we stated Rio Algom applied for 130 tradesmen from abroad. It was subsequent, in fact, to the question being raised in the Legislature, it was decided by Canada Manpower they should be cut back to 40 who were being sought abroad.

Secondly, the minister said the company had been very co-operative in discussing this matter with the union. The union learned of the application to bring workers in from abroad only after it had been raised with the manpower centre locally. Mr. Speaker, we have been unable to establish where, nor can the union establish where, the 146 trainees referred to by the minister come from. They do not appear on the seniority list that has been made available to the union.



**Mr. Breithaupt:** I would like to speak to that point of privilege, Mr. Speaker.

**Mr. Speaker:** It's not a point of privilege. It probably was an effort, and probably a legitimate effort, to correct the record, but by no stretch of the imagination could be construed as a point of privilege.

### MOTION

#### STANDING RESOURCES DEVELOPMENT COMMITTEE

Hon. Mr. Welch moved that the standing resources development committee be authorized to meet concurrently with the House the evening of Monday, June 18.

Motion agreed to.

### INTRODUCTION OF BILLS

#### VILLAGE OF POINT EDWARD ACT

Hon. Mr. Wells moved first reading of Bill 131, An Act respecting the Village of Point Edward.

Motion agreed to.

**Hon. Mr. Wells:** Mr. Speaker, this bill contains several provisions dealing with municipal taxation on the real property of the Blue Water Bridge Authority located in the village of Point Edward in Lambton county. In 1940, legislation was enacted to make the portion of the bridge in Ontario exempt from taxation, including local improvement and school rates, except for a fixed annual payment of \$5,000 to the village. The village became dissatisfied with this arrangement. Since 1970, a number of attempts have been made to increase the tax revenues realized by the village from the bridge authority. In fact, no payment was made in 1978.

This bill proposes a long-term solution to the problem, while allowing a four-year phasing-in period. Section 1 of the bill provides that the provisions of the Assessment Act will apply to the real property of the authority located in the village, except for the bridge structure. Section 2 sets out a proposed new schedule of payment to the village for the years 1978 to 1982 in lieu of municipal taxes, including school taxes on the bridge structure. This means that until the end of 1982 the authority will pay to the village the amounts set out in section 2(1), plus local improvement taxes, as well as full municipal taxes, including school taxes, on all of its real property except the bridge structure.

Section 2 also provides that starting in 1983 the authority will pay full municipal taxes, including school taxes, on the bridge structure as well.

### SECURITIES AMENDMENT ACT

Hon. Mr. Drea moved first reading of Bill 132, An Act to amend the Securities Act, 1978.

Motion agreed to.

**Hon. Mr. Drea:** Mr. Speaker, I thought I had made it plain in my statement that this bill was for first reading at this time so it could be reprinted in full in the weekly summary of the Ontario Securities Commission and so receive the widest possible dissemination over the summer months in the financial community. That is a commitment we have on every bill of significance to the financial community. As I said, I thought it had been made plain, but since there appeared to be some confusion I chose to read that into the record at this time.

#### INCOME TAX DISCOUNTERS REPEAL ACT

Hon. Mr. Drea moved first reading of Bill 133, An Act to repeal the Income Tax Discounters Act, 1977.

Motion agreed to.

**Hon. Mr. Drea:** Just to make it very plain, the purpose of this bill when enacted was to regulate this field. The federal government was dragging its feet at the time. The federal government subsequently passed an identical bill and now this bill has no standing whatsoever. Were we to charge under it, it would be ultra vires because federal legislation has precedence. We will continue to act as a referral service for the federal government, but this bill is now entirely useless and we feel it serves no purpose whatsoever in the Ontario statutes.

### ALL ONTARIO PITCH-IN DAY ACT

Mr. G. I. Miller moved first reading of Bill 134, An Act to provide for an All Ontario Pitch-In Day.

Motion agreed to.

**Mr. Ashe:** It sounds like a very important piece of legislation. Is that a national holiday or only a provincial holiday?

**Mr. G. I. Miller:** Mr. Speaker, this bill is to provide for an all Ontario pitch-in day. The Ontario pitch-in day would be a day during the year on which all residents of Ontario would be encouraged to undertake special efforts to keep the environment free of litter.



## LITTERING

**Mr. Nixon:** Sir, I don't know whether you observed, following the demonstration yesterday, that the grounds around this building were littered with signs and discarded refuse.

Does it concern you that we would have large groups here leaving all of that stuff and that nothing is being done to ask them to clean up after their own demonstrations?

**Mr. Speaker:** It does concern me, but it is the responsibility of the Ministry of Government Services and I am sure someone had heard your admonition and something will be done about it.

**Mr. Riddell:** Surely Lorne can throw his weight around there.

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

**Hon. Mr. Welch:** I wish to table the interim answers to questions 236 and 237 standing on the Notice Paper. (See appendix, page 2983.)

## BUSINESS OF THE HOUSE

**Hon. Mr. Welch:** With the permission of the House, may I take this opportunity to amend the statement given yesterday with respect to the order of business next week so that we might include Bill 96 for committee stage at the end of Tuesday afternoon of next week? We would like to put the bill introduced by my colleague, the Minister of Intergovernmental Affairs (Mr. Wells), dealing with the village of Point Edward, on the end of the list of the legislation we hope to get to next week standing in the name of the Minister of Intergovernmental Affairs.

## ORDERS OF THE DAY

LOCAL IMPROVEMENT  
AMENDMENT ACT

**Mr. Rotenberg,** on behalf of **Hon. Mr. Wells,** moved second reading of Bill 46, An Act to amend the Local Improvement Act.

**Mr. Rotenberg:** Mr. Speaker, I think this is a simple bill. There are three sections. The first section deals with the time in which a municipality can issue debentures for a local improvement. Until now the municipalities could issue these debentures only when the project was completed. We have had representation from many municipalities asking if debentures could be issued sooner so they can save interest money because de-

bentures are cheaper on interest and interim borrowing.

We have already given this power to one municipality, the city of London, in private legislation, and what this section really says is that the municipality can issue debentures when the contract is let and approved and when work commences, so they can issue debentures when work starts, rather than when work is completed, in order to save money.

Let me skip to the third section of the bill, Mr. Speaker. When we did our metrication we omitted to convert three forms to metric and we are picking up those that were omitted. There are so many things in metrication I think we can be forgiven if we left out a couple.

The second section of the bill deals with municipalities which have approved projects expressed in units of imperial measure, rather than metric measure. As members can see, section 2 of the bill says that any project approved and started before February 1, 1979, in imperial measure will be okay, even though from then on we are supposed to use metric measurement.

Because some of the forms were not properly published and because we have had some problems with several municipalities which, in good faith, issued contracts in imperial measure after February 1, 1979, I will be introducing an amendment in committee of the whole House, changing the February 1 date to September 1, 1979, so that all municipalities will be clear. They will have the metric forms, hopefully, as soon as we pass this act. They will have a breathing space until September 1, 1979, in order to clean up any contract, so any contract which has been let or will be let before September 1 in imperial measure, will be all right. After September 1 they all must be metric.

**Mr. Epp:** I want to indicate from the outset we are going to support this bill. Although it is important, I am sure it will not rate as one of the landmark pieces of legislation dealt with in this Legislature in the last 110 years.

My colleague, the member for Windsor-Walkerville (Mr. B. Newman), just asked me if he digs a ditch or something, with a shovel, will he have to now dig it with a metric shovel, or can he still use the imperial kind of shovel he used before? Maybe the member for Wilson Heights can reply to that later on. I am sure it is a very pressing problem.

**Mr. Rotenberg:** An imperial shovel, but just taking metric-measured pieces of dirt.

[11:30]



**Mr. Epp:** It doesn't really matter? One can still get the same depth and so forth? Thank you.

Essentially the legislation recognizes a practice carried on by many municipalities for a number of years. That is, wherever municipalities existed, whereas they could carry on issuing debentures what they used to do essentially is issue these debentures prematurely. They often did not complete the projects, the sewer projects and some of the other projects, before they issued debentures. What the provincial government now is doing is it's legalizing something that has been illegal for some months.

Essentially what the provincial government says is that it has on occasion been doing things illegally, and since the errors the municipalities have been committing have not been as important or certainly not as severe as what the provincial government has been doing on a number of occasions in violating the law, it has now brought in a piece of legislation that will permit municipalities to debenture projects prior to the completion of a particular project.

I think this is important, because as the minister's parliamentary assistant has pointed out, this will essentially save the municipalities money because they can obtain their money at a lower interest rate when they are debenturing than they can when they are borrowing the money in order to carry on the expense of the project until it can be debentured. So we obviously endorse this piece of legislation and we think it's a move in the right direction. We only wonder why it has taken so many years before the government has recognized the need to have this done.

**Mr. Isaacs:** Mr. Speaker, I have very few comments on this bill. As has already been suggested by the member for Waterloo North, it's fairly straightforward. It's not benchmark legislation. I do have a couple of comments on both of the parts, first of all on the metric conversion. I think this is just one more example of the muddle that metric conversion is causing for municipalities, corporations, boards, agencies and for the general public.

While I support the two sections in this act which relate to metric conversion and which remove a difficulty that municipalities have been finding themselves in because of the timing laid down in the previous bill, I do think it's unfortunate we got into this the way we did. I hope there will not be too many more examples of where bills like this have to come forward to enable us to weasel around provisions that for one reason or another have been proven to be impractical.

With regard to the matter of debentures, I have no concern about the provisions that are contained in this bill as they relate to municipalities. As the honourable member suggested, it will regularize something that has been going on in an indirect way for some time and it will also provide money at a lower rate of interest to municipalities when they are having to pay their contractors.

I want to use this opportunity though to ask the parliamentary assistant if he would respond to a problem that may arise in this circumstance through the imposition of the local improvement charge on the home owners and property owners who are affected by the local improvements. It is my understanding, going through the act, that the change that's before us now will also enable the municipality to start recovering the costs that are to be met by the properties on which the improvements front.

Given that there have been an apparently increasing number—and it may not be true, but an apparently increasing number—of projects that have run into trouble for one reason or another, and I'm thinking particularly of sanitary sewer projects, where it's been a period of two or three years before the project has been properly completed, does this amendment mean that the property owners concerned will start paying their repayments on the sewer projects before the project is available for their use? If it does have that implication then I see that as something that's rather unfortunate, because when a project does go bad, when municipalities are involved either in litigation with the contractor or alternatively in major fix-up projects, when a sewer project is for some reason not available for the use of the home owners, then I think it's a little unfair to ask home owners to start paying for the sewers. It's like having to pay for a car you haven't yet got but for which you have placed the order.

If indeed that is the implication of this bill, I really wonder whether that provision is what we want to have happen. I would appreciate the parliamentary assistant's response on that point on whether he sees any way around that for the municipalities or for this House to avoid complications and to avoid a lot of complaints I know we will be getting from home owners when they are asked to pay for something they haven't yet got because the project has run into problems. I realize, Mr. Speaker, it's not every municipal project that runs into problems. Only a very few have problems but I think that circumstance is sufficiently frequent that we should be concerned about it and I look



forward to the parliamentary assistant's response.

Those are my comments on this bill. We will support it on second reading and we have no amendments.

**Mr. Deputy Speaker:** Is there any other honourable member wishing to participate? If not, the parliamentary assistant.

**Mr. Rotenberg:** Mr. Speaker, on the point raised by the member for Wentworth, I am informed this has not changed the time or the method in which the members of the public, the home owners who are assessed, start paying back. They pay back in accordance with the bylaw as passed by the municipality which indicates when the home owners start to pay. This has no relationship to when the debentures are issued, so that part of it doesn't change. It doesn't change the powers of a municipality as to when they issue it.

Motion agreed to.

Ordered for committee of the whole House.  
House in committee of the whole.

#### LOCAL IMPROVEMENT AMENDMENT ACT

Consideration of Bill 46, An Act to amend the Local Improvement Act.

Section 1 agreed to.

**Mr. Deputy Chairman:** Mr. Rotenberg moves that section 2 of the bill be struck out and the following substituted therefor:

"2. The said act is amended by adding thereto the following section: 74. Notwithstanding section 39 of the Metric Conversion Statute Law Amendment Act, 1978, where, before September 1, 1979, a municipality passes a bylaw for undertaking of work or obtains the approval of the board to an undertaking, the areas, diameters, distances and frontages, and frontage rates may for all purposes of this act be expressed in units of imperial measures and forms 1 to 4, as they existed on January 31, 1979, may continue to be used with respect to such undertakings."

**Mr. Deputy Chairman:** Does anybody wish to discuss this amendment?

**Mr. Rotenberg:** Mr. Chairman, very briefly as I mentioned in my opening remarks, this is simply to facilitate those municipalities who may have planned up until now, or be planning at the moment, projects in imperial measures until those forms mentioned in this act are converted to metric. The September 1 date seems to be a cut-off date which municipalities have accepted.

Motion agreed to.

Section 2, as amended, agreed to.

**Mr. Deputy Chairman:** Are there any other sections of the bill that the committee wishes to discuss?

Sections 3 to 5, inclusive, agreed to.

Bill 46 reported.

On motion by Hon. Mr. Maeck, the committee of the whole House reported one bill with amendment.

#### THIRD READING

The following bill was given third reading on motion:

Bill 46, An Act to amend the Local Improvement Act.

#### DISTRICT OF PARRY SOUND LOCAL GOVERNMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 100, An Act respecting Local Government in the District of Parry Sound.

**Mr. Rotenberg:** Mr. Speaker, this bill, Bill 100, represents a milestone in local government in the district of Parry Sound. Serious attention to local government was focused on the area in 1972 with the annexation hearing by the Ontario Municipal Board of the Parry Sound and related annexation applications.

In early 1973, the district municipal association called for a planning and local government study, which commenced later that year and concluded in the fall of 1976. After receiving many briefs, the Ministry of Intergovernmental Affairs made a number of proposals early in 1978. This bill is the result of extensive dialogue between the ministry and the municipalities involved and the many cottage, ratepayers' and home-owners' groups in the area.

It was clear from the outset that the people of the district did not want any form of second-tier or regional government. The concern to strengthen local government itself was apparent, and this bill deals strictly with amalgamation, annexation and consolidation of local municipalities and currently unorganized territories.

Five municipalities are involved in this bill.

First, the new municipality, Georgian Bay Archipelago: The bill incorporates the unorganized township of Cowper and major portions of the unorganized townships of Conger, Harrison and Shawanaga into the township municipality bearing the name of the township of Georgian Bay Archipelago.

The population of this municipality is approximately 7,000, including the seasonal residents. It is composed of some mainland



cottage areas, a significant group of permanent residents in the Pointe au Baril area, and the permanent and seasonal population of the many islands in front of the above-mentioned townships.

The municipality is a recreation-oriented, essentially water-based community, focusing on the islands and the shore of Georgian Bay, and will have northern and southern sections being separated by the existing Carling township. The government of Ontario has opted for a single municipality, rather than two, because of the common focus of the entire area and the desire to avoid duplication of administrative costs that would undoubtedly follow if two units were established.

The area appears to be quite large geographically; however, when one looks at the vast expanse of water and recognizes the relatively small permanent population of fewer than 500 people, then it becomes apparent it is not nearly as large as it would appear at first glance. Some might argue—and I think some will—that it should be set up as two separate sections, perhaps to be joined later. Knowing the difficulty of joining municipalities, we believe it would be easier to separate the two portions later if that should be warranted. To abandon the possibilities of some economies of scale and to establish duplicate administrative structures to deal with areas of great similarity does not appear to be appropriate at this time.

This new municipality will serve both seasonal and permanent residents, and give them a voice in local affairs, by providing the basic institutions of township government now enjoyed by most residents and property taxpayers in Ontario. In addition, this new municipality will begin to contribute financially to certain district-wide functions such as health, welfare and homes for the aged.

The inclusion of certain inland areas with the shoreline and island communities was based on two essential factors: (1) the preference of seasonal and permanent residents of the affected areas and (2) the feeling of the government of Ontario that certain areas not be cut off from the assessment and revenue base which exists on the islands and the Georgian Bay shore.

The legislation provides that the first head of council of the new township—who will be a reeve—will be selected from among the 10 members of the council who will be elected. After the first term, the legislation provides for a separately elected head of council. I would point out that the request for the first reeve to be selected from amongst council came from the various associations which will make up the new municipality.

[11:45]

Coming to Carling township: Carling township is an existing, organized municipality. In their correspondence, their resolutions and their discussions with our staff they have indicated absolutely no desire to join the new municipality. We are aware that some ratepayers in Carling, particularly seasonal residents, would like to join the proposed municipality. However, Carling township is an established municipality with a duly elected council. To this date that council, in all indications to us, clearly wishes to remain separate from the new municipality. Of course, we try at all times to go along with local autonomy and as best we can write legislation in accordance with the wishes of the local people.

The suggestion has been made by some that Carling township annex the areas to the north and leave Cowper and Conger to the south as a separate unit. This idea has no support whatsoever outside Carling in the areas affected. In fact there is strong opposition to it. The government of Ontario does not believe that the people in the unorganized territories should be denied local government institutions provided the establishment of these institutions does not adversely affect existing municipal arrangements. It is one thing not to force an existing township into new arrangements against its will, but it is quite another to deny organization to others in the form that they desire.

We have clearly indicated that Carling township could be part of this new municipality but we will not force them to join it. If at some future date Carling indicates a desire to join the new municipality, we of course will give it consideration.

Moving to Humphrey township, it has by resolution asked that the eastern portion of Conger adjacent to Humphrey with road access from highway 69 be annexed to Humphrey. So that this part of Conger can easily be serviced by Humphrey township, this annexation has been included in Bill 100. Humphrey township already contains a large number of cottagers and we believe that property owners, both seasonal and permanent, in eastern Conger will be well serviced by Humphrey township. In addition, this annexation brings the new Parry Sound airport into an organized municipality.

In the portion of Conger township adjacent to Foley township it has been quite a matter of controversy whether this portion should go with Georgian Bay Archipelago or with Foley. In Bill 205, the one we introduced last year, the area was included with Georgian Bay. In Bill 100 before the House today it is



included with Foley township. Virtually all of the permanent residents—about 50 permanent residents in this area representing 15 households—wish to join Foley while the majority of the seasonal residents—and there are about 600 seasonal residents—want to go with Georgian Bay Archipelago.

This has been a difficult issue to deal with and we have been pulled in two directions on it. However, it is now clear that the people wishing to join Georgian Bay Archipelago feel so strongly about the issue that to include the area with Foley township would be destructive to the interests of Foley as well as to these people. We are therefore prepared to amend Bill 100, and will be introducing an amendment when we get to it, to put Crane Lake and Blackstone Lake areas back into Georgian Bay Archipelago.

Moving to the east, away from Georgian Bay, the town of Kearney under this bill is joined with the geographic townships of Proudfoot and Bethune and the portions of Butt and McCraney townships outside of Algonquin Park. They will have a new council, to be elected from three wards, providing balanced representation from the three basic component areas in the new municipality. The area is closely knit and should work well when amalgamation takes place.

The ministry has acted to deal with all the concerns and issues that have been raised in the area with respect to this amalgamation and we feel that with all the meetings and all the discussions—discussions even taking place over the past few months—we have satisfied, if not all the concerns, all the major concerns of the various groups in the area.

Parry Sound itself: To the town of Parry Sound will be annexed a small portion of Foley township and part of McDougall township, which will help rationalize local government servicing in that area. This essentially involves spillover development in the township just outside the town boundaries. The boundary changes which are in this bill have been agreed to by the councils of all the affected municipalities.

The startup date for all these reorganizations is January 1, 1980, to coincide with the beginning of the municipal financial year. The costs of the municipal elections in the archipelago and Kearney in the fall of 1979 will be paid by the province. This will be for a three-year term until the next regular municipal election. The costs of the school board election in those areas in the fall of 1980 where there will not be a municipal election will also be picked up by the province.

The bill will enable residents, both seasonal and permanent, to have a stronger voice in

local matters affecting them and continues a significant step forward in the improvement and strengthening of local government to the district of Parry Sound. Mr. Speaker, I commend the bill to the Legislature and hope I can have the support of all members.

**Mr. G. I. Miller:** Mr. Speaker, it's with pleasure that I'm able to participate in the debate on Bill 100, which replaces Bill 205.

It is a very historical occasion as far as the Parry Sound district is concerned because they are coming from being basically unorganized. There are many municipalities that do have local government, but these are changing times.

As a critic for the opposition party on Intergovernmental Affairs, I take the opportunity at this time to point out to the member for Parry Sound (Mr. Maeck) that we would like to be constructive, not destructive. We have had the opportunity of being in his riding, at the request of many of the local councils.

**Mr. Rotenberg:** On a strictly non-political visit.

**Mr. G. I. Miller:** That is correct. The member for Wilson Heights made a good comment.

**Mr. Riddell:** They spoke very highly of Lorne Maeck.

**Mr. G. I. Miller:** If we are requested, I think it is the duty of the opposition party to accept its responsibility, and that is what we have tried to do.

I would like to point out in the very beginning we have been through the reorganizing our own area, the region of Haldimand-Norfolk. It was a very controversial issue. I would like to have some constructive input on how this new area may be reorganized to be the most efficient for that particular area.

I would like to point out also we are quite well acquainted with the district of Parry Sound. For many years we've gone to Burk's Falls and done a little fishing at Pickerel Lake. We've been in Kearney and at resorts around Kearney. It is a beautiful area. I think it has a great future.

During our visit and our discussions with local councils, we went into Parry Sound. It does have a natural harbour, probably second to none in the north. The thousands of islands along Georgian Bay and along the lakefront are being utilized perhaps more by people from southern Ontario. It is a resort area. As a matter of fact, one of my constituents from Haldimand-Norfolk has an island there. He's had one for many years. I know it provides a lot of enjoyment.



When we take an overall look at it, and from the discussions we had, there seems to be a bit of a conflict between the local residents and the ones who are using the islands. Again, we're talking about a bay front of approximately 50 miles, with Parry Sound in the middle.

From our observations it appeared that perhaps two municipalities would be more effective than one. Maybe it should be designed so the residents who use the islands are encouraged to work along with the permanent residents. The income of many of those folks is not comparable to that of those who are using the islands. I think they are as concerned about the environment as anyone. That is their homeland. That is where their roots have been down, and will be down for many generations to come.

As members of the opposition, we would like to be constructive. We do have some amendments we would like to put forward, but first of all, I would like to point out we did have an opportunity to visit the airport. It is a fine facility and there is room for expansion, and it gives quick access to the area. I would like to commend the government for providing that facility.

We also were able to take a look at the industrial park. I think they have 1,000 acres, with roads, a sewage system and a water system installed. They have three or four businesses established there, but I question the soundness of the background research of their financial ability. Muskoka Steel was established only one or two years ago—the member perhaps knows much more about it than I do—and there is a huge building now left vacant because they were not able to make a go of it; they were also manufacturing log houses, or squared timber, prefabricated houses, and that business was moving ahead quite well. There was also another building, which was in the process of being put up, but it appears to have been sitting there now without going ahead.

What I am really saying, I suppose, is that we have 1,000 acres there that has the potential, and it is perhaps the responsibility of the Minister of Industry and Tourism, in co-operation with some other ministries, to encourage the development of that particular park, because to get a return for Ontario it certainly has to be working. That is perhaps a side point and maybe should not be brought up in this debate; however, I just wanted to make that clear.

We did have the opportunity of staying in Parry Sound and, as I indicated before, there is a great future there. We do have some environmentally sensitive areas with the

islands and, again, the local people are concerned that they are not going to have access to them; that maybe they are going to be eliminated. Perhaps we can pull these people together. We have had discussions with the cottage associations. I feel there may be some misunderstanding. They are both trying to achieve the same thing but are going in different directions. It is important that we have that in mind as we realign these new municipalities, because we are laying the foundation for this organized district for many generations to come. While there is a tremendous future there, and we have to listen to the local people, we cannot expect the people in Toronto, or in my riding in southern Ontario, to give total direction to what happens in that area because, while they can share and utilize our natural resources, they do belong to everyone. We have to keep that in mind.

I would like to say that the reeve of Carling township, Jack Plowman, gave us a complete tour. Mike Konoval was very helpful during the tour in trying to be fair to both sides and making us available to all political viewpoints. The reeve of Foley, Ken Hunter, gave us a tour to show us what they have and what they have accomplished over the years. I think they can both be proud of what they have done on behalf of their communities. They have good equipment and they have good facilities, including a community and parks centre. They indicated to us that they could provide snow ploughing and roadbuilding equipment for a larger area than they have at present.

It seemed to me that maybe Parry Sound, with its boundaries expanded, and communities to the north and south, would have been an ideal situation. But further research indicated that the local people perhaps did not want to go in that direction at this particular time. Given a little time, and with more trust between the ones that are concerned about the new municipality, maybe that will come about in years ahead. To get to the islands, they have to go through the municipalities we are concerned about. They have to use the road facilities and the services that are provided. Again, it would be good if that were encouraged, because that is basic to the economy of the area. I assume they would want to see the improvements made to both areas, whether they are permanent residents or islanders, or just concerned about the holidays and resort areas. It is a matter of teamwork.

[12:00]



With those comments, Mr. Speaker, I think we would like to make four amendments and maybe the one that has already been indicated by the parliamentary assistant, the member for Wilson Heights, who is taking the bill through the House this morning.

**Mr. Deputy Speaker:** The appropriate time for amendments is during committee of the whole House.

**Mr. G. I. Miller:** I am not going to make the amendments, Mr. Speaker. I am just going to bring our proposals to your attention. Our critic will be moving them at a later time.

**Mr. Deputy Speaker:** I appreciate the honourable member's comments, but the proper time to bring forth amendments is in committee.

**Mr. G. I. Miller:** Fine, thank you. I will go on and point out that our view is we would like to have the archipelago divided into two townships, north and south. The reason for that is that back in August 1976 the final report and recommendations of the district of Parry Sound local government study, the Martin report, the red book, suggested two separate municipalities: a township to the north called Pointe au Baril and a township to the south called Sans Souci.

Another reason is that it is 50 miles from one end to the other. In order to get around there, one has to go through Parry Sound or around Parry Sound to make that connection. Secondly, the Foley area, left out in Bill 205, was included in Bill 100. I think this rightly belongs to the archipelago and should be in the new south archipelago. I think the ministry indicated that.

Another concern is the fact that in the first election the reeve is to be appointed by the elected group. We feel that the reeve should be elected in these new municipalities in the same way as in any other council in the province.

It's important from a communications point of view that the heads of council should be located within the boundaries of the municipality because they are the focal point. Hopefully, the township hall will be located in those municipalities so the residents have quick access to it. That's another reason for maybe not going to such huge areas, but keeping them down where the local people or even the cottage people have access to them. If the cottagers want to join in and try to be elected to council, I think that would be good. That was accomplished in Carling this past year. Mr. Bill Davis, who has the same name as the

Premier, was elected. I think that is the democratic system working. Everyone can take part and it will make for good relationships in this new municipality. Local autonomy has to be considered, protected and encouraged.

With those few remarks, I would like to say it has been a pleasure to have this opportunity to participate in the debate on the bill. Perhaps we will have some further comments as the bill proceeds.

**Mr. Isaacs:** Mr. Speaker, it is a pleasure to rise and to indicate to you and the House that this party too supports the principle of this bill, although we have some concerns about some of the specifics contained in it.

The bill, to me, is a bill that should be a non-partisan bill. It deals with the establishment of good local government and good municipal government structures in a very important, a very beautiful and a very significant part of this province. As that, I think it is inappropriate that we look at it as a bill on which we divide on party lines. It is a bill that will be very important for the people of the district of Parry Sound, not just this year or not just next year, but for many years to come. It is bringing into local government structure parts of the province that previously have been unorganized.

I am concerned, however, about a few of the things that were said by the parliamentary assistant and a few of the things that relate to the way this bill has been handled. First, I am particularly concerned that it was brought to us with just days remaining in this sitting of the House so that there really wasn't the time to look at the one very significant change that was introduced since Bill 205 was presented to this House. There really wasn't time to wrap up the few loose ends that I believe are still remaining in regard to the issue of the structures.

Given that the bill is not that much different from Bill 205, I really have to question why the government left it to the last minute to introduce this bill and put the townships presently in existence in that area, the cottagers' associations and other concerned residents, in a situation of hardly being aware of what was going on with regard to the introduction of this bill, because it has been very difficult in the last two weeks, since we first saw this version of this bill, to inform people and keep in touch with people the way we believe communications between this House and the residents who are affected by a bill such as this should work.

I think the timing has been a problem. I think too there have been problems with regard to consultation. It may well be that our



view of consultation is a little different from the government's view of consultation. I really have to ask who has put the main input into this bill. Who are the people who were consulted and whose voices were given the most weight? At what stage did that consultation take place?

There are people who are unhappy with the way the bill stands today and, therefore, the consultative process obviously hasn't worked properly, because if it had worked properly we wouldn't need these last-minute amendments with regard to the northeastern part of Conger township, and we wouldn't need the amendments with regard to the archipelago municipality. Those things should have been ironed out before the bill came into this House.

I also want to suggest to the parliamentary assistant that his comment that it was something the people of the area really wanted may not in fact be true in so far as some of the groups who live in that area are concerned.

**Mr. Wildman:** That's why I asked if you agreed.

**Mr. Isaacs:** The information I have from consultations with groups of residents in the district is that they were coerced back in 1973 into believing that they had better go for some kind of municipal organization, because if they didn't things were going to get worse. I hope that pressure being applied to groups of residents and those residents then submitting to that pressure isn't interpreted by the government as a desire on the part of the residents for municipal organization.

In fact, it is my understanding that one of the reasons we want to deal with this bill fairly quickly—I understand that and support that—is because some of the groups are still a little unhappy with the idea of turning unorganized territory into municipally organized territory, and we should put it in place at least while they are happy, before they change their minds and start rebelling against it. That is a relatively minor consideration.

I want to say to the parliamentary assistant and to the minister, who is not here, that we support bringing into organization those parts of this province where there is presently no organization and in which municipal structure would be viable. There are vast parts of the north where municipal structure would not be viable, so viability has to be a key.

It is very obvious from the reports that have been done and from the studies that have been conducted during the last five years that municipal organization of the presently unorganized territories in the district would be viable, and that the creation of a group of

larger municipalities than presently exist in other parts of the district would be desirable.

I am very pleased that the government has seen fit to bring in a bill that is essentially a one-tier form of government rather than any kind of regional government, and that is as a result of the concerns and the comments received from local residents.

It is a pity that when the regional governments we now have in other parts of the province were set up this kind of consultation did not take place. They were set up whether or not the local residents wanted them, and in many of those regions the local residents very clearly expressed that they did not, but they are stuck with them now whether they like them or not.

When we look at setting up municipal organization, I think we have to ask why it is being done. As I have expressed before in this House, the structure of municipalities is there primarily to serve two purposes. One is the planning role and the second is the provision of services. I think planning in this area is very important. As the parliamentary assistant is well aware, we in this party believe in local autonomy for municipal government, subject to guidelines laid down by the government on matters that are of provincial significance.

I want to suggest to the parliamentary assistant, and perhaps he will relay it to his colleague the Minister of Housing (Mr. Bennett), that this part of the province is of very great provincial significance. The councils we are setting up in this bill will undoubtedly see their planning function as very important—a function they will get into right away. I hope we don't get into a situation where councils decide to set up an official plan that deals with what they see their needs to be and then the province has to intervene at some stage and say that official plan is not what the government wants. I hope the guidelines can be put in place now before the planning process locally gets underway so those councils really can work within the framework that's laid down and exercise the autonomy that the bill, at least in theory, gives to them.

I regard that as very important. Development is desirable in that area because of the tax base it brings in, because of the viability it gives to the communities that exist right now, and because it enables the people who live in the area to have a guaranteed source of income. But indiscriminate development—development on much of the shoreline, development of industries that for some reason can't locate elsewhere and see the district of Parry Sound as a place where they can get



away with pollution that might not be tolerated by residents elsewhere—those things would be very undesirable. I hope we can make sure right now that the councils know the guidelines they are operating within.

The other function I mentioned was the provision of services. Much of this area requires very little in the way of services. But there will be certain functions the local councils will be assuming from the Ministry of Natural Resources. There will be other functions which, because there is now a local government structure, those councillors and the residents who elected them will see as being desirable.

I just hope this is not a way of making the people who live in the area pay more. There's a tendency, at least at the present time, for the government to be relying on property taxes as just another way of raising money. This money should really be raised by the provincial government through income tax and corporation tax, the fair methods of taxation.

If through the transfer of the costs from the Ministry of Natural Resources to the local residents we are really only establishing a mechanism whereby those residents can be taxed in total more than they are at the present time, then I think it's a very backward step. I hope that's not what's going on with regard to this bill.

The previous minister of what was then Treasury, Economics and Intergovernmental Affairs mentioned that the government would be prepared to consider startup grants and other kinds of special financial assistance to the municipalities in the district to get over the transition period and to deal with some of the special problems they will face as a result of the new structure of local government. I hope when we go into committee stage the parliamentary assistant will be able to provide for our information, and for the information of the councils in that area, details of all the special grants the government is proposing to make to those municipalities, both immediately and in the longer term. I can refer the parliamentary assistant to the commitments that have been made in the past if he's not aware of them.

[12:15]

I'd like to comment with regard to the commonality of interest that has been suggested as the reason for combining two separated parts of the district into a single municipality. There is no doubt that there's commonality of interest there, but there is also commonality of interest of other kinds in many other parts of the province. In trying to deal with this question, I think we have to

look at what municipal government is for and how large a municipality should be in order properly to serve the people.

It concerns me that through the provision in this act for one municipality separated into two widely spaced parts, we are establishing something new in Ontario, something that might be regarded as an experiment, but perhaps is not even seen as an experiment but just as a convenient expedient. I have to say I am not sure we should be experimenting with that kind of thing in this area.

I am not convinced that it's going to provide any significant benefits at all, either to the people of the southern portion or to the people of the northern portion. I cannot see that the municipal council is going to have any option other than to run the two separated portions. Transportation of men, material and equipment between the two portions isn't going to make any economic sense. Therefore, the services are presumably going to have to be provided by locally contracted companies or individuals. Given that situation, given the fact that the study report recommended the two separate municipalities and indicated that they were very very viable and given that subsequent reports from the ministry have indicated the viability of the two portions, I really have to say to the parliamentary assistant that we will support the amendment introduced by my colleague for Waterloo North to separate those two portions into two independent municipalities.

I am sure that the local councils for the two separate municipalities will work together, just as the councils for the other municipalities in the district are going to work together to deal with common problems. That's the way we should be going. Councils come together to deal with problems they can best solve as a group, rather than being forced into regional or other peculiarly structured bodies.

We feel that that's very important and, as the parliamentary assistant is aware, we were concerned about introducing that kind of amendment in this House without proper consultation. We honestly have not had the time since this bill came before us to undertake that proper consultation. I know he will respond that we have had since last December, but I will reply that we didn't know what changes were going to be in Bill 100. If the government knew that the changes were going to be very minor, then why wasn't Bill 205 introduced in March or April so that we could have dealt with it in a proper way with proper public consultation, rather than trying to deal with it now?



I am also concerned about the rationale that has been used for the problem of location of the northeastern portion of Conger township, whether it should go with Foley or with the southern part of the archipelago. I understand what the parliamentary assistant is saying about the permanent residents and the concerns of the permanent residents, although I suggest to him that the numbers that we have are quite a bit different from the numbers that he has. I don't know which set of numbers is right, though I'm inclined to believe those that were provided to us because they came from a very reliable source.

When there is a situation where there are only 15 households or 27 residents or maybe 40 residents, or whatever the small number is, in a relatively large area that has a very substantial summer population, then I really am not sure that one can take the views of the permanent residents as being of that much overriding significance. They are important and I would weigh them more heavily than I would weigh the views of the seasonal residents, but one comes to a point where weighting gets so absurd that it's no longer the reasonable thing to do. I think this is a clear case of that situation. It's very clear to me that it makes much more sense to keep those two lake areas, Blackstone and Crane lakes, with the archipelago rather than putting them with Foley against the will of the majority of the people who own property in that area.

**Mr. Rotenberg:** I indicated we are going to do that.

**Mr. Isaacs:** We will be supporting that amendment too. We will be raising a number of comments on particular areas of this bill during committee stage, but I want to commend the government for the approach it has taken and say that I hope that if we have more of these in the future there will be the same kind of public consultation, only more of it, and that it will be very clear as to what weight is being given to the views of which group of people.

Just one final comment: There is the suggestion that the municipality of Georgian Bay Archipelago may one day be extended all the way to Manitoulin Island. I want to suggest to the parliamentary assistant that if that is something the government is looking at, then I, as a private member of this Legislature, would have great problems with a municipality that big. I believe one function of municipal government is to have local politicians close to where the people live so that they can deal with day-to-day problems. I cannot see that that could

happen in a municipality that stretched across hundreds of miles of shoreline. If we see municipal organization farther north, then I hope it will be on the basis of distinct and financially viable townships, stretching around the shores of Georgian Bay, rather than by annexation of property to the townships that are being established by this bill.

**Hon. Mr. Maeck:** Mr. Speaker, I rise to participate in this particular debate because it is a situation in which I have been involved for the past six or seven years. This reorganization of local government in the district of Parry Sound goes back a long time. As the parliamentary assistant indicated when he started to speak, there were applications for annexation and amalgamation, and counter-applications, over on the west side of the Parry Sound district, back in 1971, 1972 and so on, which indicated to the government that some change was needed; that the local people themselves could see the need for change but that they could not actually agree on what that change should be. The Ontario Municipal Board, when it came down with its decision, stated simply that it felt it was not in a position to make that decision, and suggested it should be done through legislation.

In 1971, shortly after I was elected—I am sure other rural members, particularly in northern Ontario, had the same type of problems I had; that is, having to do with planning, severances, subdivisions and other applications—the standard response from the Ministry of Housing and, before that, the Department of Municipal Affairs, was: "Why don't you people get an official plan and some zoning bylaws? Then we will talk to you. Until then, we really can't look at your applications very well."

I discussed this matter with the Treasurer, who was then the Honourable Darcy McKeough, and he made the promise that some funding would be made available to the district of Parry Sound to produce an official plan. He suggested it would have to be a year later, simply because it was not budgeted in that particular current year; and I understood that. But in the following year the suggestion was made that, before we developed an official plan for the district, perhaps we should see what the municipalities wanted to do with reference to any changes in local government. It was understood from day one that we would not be discussing regional government. I am personally not in favour of regional government in an area such as Parry Sound; the area is too large and spread out. It would be unworkable.



**Mr. Nixon:** So you gave the rose another name.

**Hon. Mr. Maeck:** No. We are a long way from regional or two-tier government in this bill.

Anyway, the study was finally constituted. I must say that the cost of the study was borne completely by the province, which is rather unusual because most counties which have had a study done on local government have had to pay a percentage, and in some cases all, of the cost of the study. The province paid for it completely in the district of Parry Sound, which indicates the province was interested in trying to assist and to solve some of the problems that existed.

The Martin report, mentioned by both of the speakers, was the result of that study. The study and the report were not acceptable to the people in the district of Parry Sound. We are now using parts of it in some of the debate to say that is what the study said. But I must tell the members that study was rejected in the district of Parry Sound almost in totality. It is very convenient to use what part one might want to use to further one's argument, but I must say in general terms the Martin report was rejected almost completely.

The situation remained where we had some municipalities that still felt some amalgamation should take place. The Kearney area is an example. Kearney, Bethune, Proudfoot, Butt and McCraney—those portions of Butt and McCraney outside of Algonquin Park—decided after consultation and after public meetings that they would like to amalgamate and form one municipality. There were resolutions passed by the town council of Kearney and by the local roads boards in both Bethune and Proudfoot. The other two portions that were being discussed in this bill did not have local roads boards. They had no local representatives. There are very few residents there as a matter of fact.

The elected people in those three areas unanimously decided they would like to amalgamate and they made that submission to the province. It was examined and, in that particular instance, after examination they are going to be the beneficiaries of additional grants they do not receive at this time. That is simply because in the two unorganized townships and the other two pieces of unorganized townships, as some members know, resources equalization grants and per capita grants do not go back to the taxpayer, but they will under this bill.

When it is figured out from the financial viewpoint, they will gain in assistance from the province. But it is not a matter of saying

we are giving them more money than we would give some other municipality under the same circumstances. Under the grant system as it now exists, those people will gain financially. There is nothing in this bill that indicates we are going to give any seed money or anything of that nature. They are not asking for it. They feel they can handle it quite nicely.

To be very honest, in that particular proposed municipality, there have been reservations from the township of Proudfoot. I have discussed this matter with representatives from the township of Proudfoot. They have talked with representatives of the Ministry of Intergovernmental Affairs. All of the things have been explained to them. While there are still some reservations, we feel the bill should proceed as it is. That is not a part of the bill that is going to be amended, as I understand it. So it will proceed as it is.

I will deal with the other smaller amalgamation next, involving the town of Parry Sound and the township of McDougall. For the last four years at least, both municipalities have requested the province to amalgamate, to apply to the Ontario Municipal Board. The Treasurer of the day, Mr. McKeough, suggested that they should not make applications for amalgamation because of the past experience with the OMB, but they should wait and we would legislate it.

It is rather important. These people have been waiting a long time. There are matters of sewers and water services and of a shopping centre that is built outside the municipality of Parry Sound that they would like to put into the town of Parry Sound. All of these things have been agreed upon by those two municipalities, the township of McDougall and the town of Parry Sound. There is no problem there, provided of course the bill does get through this Legislature. It is rather important for those two municipalities because they have wanted a long time to get that amalgamation which is at the request of those municipalities.

The third matter, and the one that's probably going to get most of the debate in this bill, is the archipelago. I have had some difficulties, particularly with North Conger, on this particular matter. Originally, as members know, Bill 205 had all of Conger attached to the archipelago. What happened I am not sure, but suddenly—and not very long ago—there was some opposition to this particular part of the bill.

The local residents—37 I believe, in 13 or 15 families—suddenly decided they felt they should belong to Foley township. Foley township had originally, some time ago, sug-



gested that they would accept North Conger. This was when submissions were made early on in the study. However, the area that Foley had suggested taking was not really a workable situation at all because it would have divided a lake—half the lake would have been in and the other half would have been out—but that could have been corrected.

We get to the point where letters start to circulate—I'm talking about in very recent weeks—both from the cottagers' associations, the Crane Lake association and Blackstone Lake association, and the residents of Foley. In the final tally—I don't know how accurate these figures are—and I stand to be corrected—there seemed to be roughly 200 names in favour of going with Foley and over 400 to go into the archipelago.

To correct the record, I must say that while we talk about 37 local residents there were also some cottagers—not the biggest number of them, of course—who obviously wanted to join with Foley.

I had the pleasure of meeting with representatives of the Blackstone Cottagers' Association along with the Crane Lake association very recently and we had a very good discussion on this situation. I did go back, as I had promised, and discuss the matter further with representatives of the local people and the opposing side. While they are certainly not happy with the situation, if they had their druthers certainly they would sooner go with Foley.

I think they also understand—and I tried to make it very plain to them—that it is time that people who pay property taxes have something to say about how those property taxes are spent. When you have a condition where you have some 400 names wanting to go in one direction and 200 going in the other, it really is rather difficult to provide that much weight to local residents.

Speaking from a selfish point of view I suppose, I like to support my local residents where I can, but I also must be realistic. After my discussions with them I then discussed the matter further with the minister and the parliamentary assistant and it was decided that we would amend the act—which I'm sure both of the opposition parties are in agreement with, because I had discussions with them before that. We are now to the situation where proposed amendments might come from the Liberal Party, supported by the NDP, in the matter of two municipalities and the archipelago.

I must admit to the Legislature that when these matters first came up for discussion, the Georgian Bay association, which I'm sure all members are aware spearheaded the

archipelago municipality—paid a great deal of money to do another study over and above the one that was done by the government in relation to the archipelago. So they have a financial investment in this situation as well as a genuine interest, because they are summer residents and because they feel they should really have something to say about how that area is going to operate in the future.

I must agree with that. They are taxpayers and they should have some rights. That's one of the reasons why this bill is here today. I would caution the members that we have talked about local autonomy, local input and listening to the local people. The reason the bill is the way it is today in the Legislature—and I'm referring now to the archipelago in two pieces but as one municipality—is that the majority of the taxpayers in those areas want it that way. We've said we want to respect the taxpayers. They're the ones who are going to pay the shot. They're the ones who should be able to decide what's going to happen. They have asked for this, although, granted, people in Carling township certainly would like to see it in two pieces.

I met with the township of Carling also last Saturday and they pointed out their views, which are honest. They have their own viewpoint in these matters and I respect those viewpoints. But I must point out to the township of Carling and to the people in the Legislature that the township of Carling's views have been respected. They have been left alone. The original proposal called for Carling township to go into the archipelago. We respected their wishes. The government has respected them and I have respected them.

The only reason that the bill is here now and that the archipelago is in two pieces is that this government respected the wishes of Carling township and left them as they were. As a result we end up with an archipelago in two pieces, rather than one which goes right down along the shoreline. The fact is that those local people and the cottagers are not asking us for two municipalities. They're asking us for one municipality.

We have set up a ward system so that there is proper representation as between the north and the south. We've done everything that is possible to ensure that everybody who is involved in that new municipality will have equal rights and will have proper representation. I also have to point out again that that area of Georgian Bay is not the same as any other area in the province of Ontario. It's composed of many islands. Many of the people of the Georgian



Bay shoreline travel a much greater amount by boat than they ever do by road.

One of the concerns of the local people that the new council will be concerned about is the roads. I've been assured by the Georgian Bay association, by the Crane Lake association and all the other cottagers' associations that I talked to that they're just as concerned about the roads as the local residents are. I have conveyed that message to the local residents who have indicated their concerns.

If we amend this bill and make it into two municipalities, what we're going to have is two municipalities, neither one of which is viable. They won't have the assessment they need to have a viable community. They will have to set up two administrations, which is double the cost. I just implore at least one of the opposition parties to support the viewpoint of the local people and the cottagers who have indicated their views to us. They have said that they want an archipelago municipality and they want one municipality; they don't want two. As I indicated, early in the conversations that we've had, they rejected that. If we're going to preach autonomy, and going to preach that we're listening to the local people, then let's do it and let's leave the bill as it is.

I have not too much more to add at this time. Certainly, from time to time, I will enter into the debate when we get into clause by clause, but I would ask the members to consider what I've said over the weekend. We are not going to get into clause-by-clause today. Members have some time to think about it. They have some time perhaps to phone some of their friends who have cottages up there to find out what they say about it. I think members will find that what this bill proposes, as far as the archipelago is concerned as it relates to whether it should be one or two municipalities, reflects the views of most of the people in the archipelago.

**Mr. Epp:** Mr. Speaker, I guess it's been a little more than two years since I first heard about this particular kind of restructuring. I'm not sure whether it was just prior to my election or immediately afterwards when I was speaking to a resident of my constituency who told me about the study Mr. Norman Pearson had done. Subsequent to that, I understand, the Georgian Bay residents' association spent about \$50,000 to supplement what the government of Ontario was doing in studying some kind of restructuring for the Georgian Bay area, the Parry Sound district.

I think the bill we have before us is important, not as a piece of provincial legislation, but it is more localized in dealing with the Georgian Bay area. In principle, we support this. As my colleague has indicated, we will be putting forth four amendments which we hope will get the support of the House and which this party thinks will improve the bill immensely.

I also want to say my colleague from Haldimand-Norfolk and I spent about three days in the area studying what we could and trying to get first-hand information. The first time was about a year ago when we went up there and met with a number of the councillors, of Carling township particularly, who were very concerned about this and who asked us to come up and get first-hand information on this and hear their points of view. We indicated we not only wanted their points of view, but we also wanted opposing points of view, and we received them at that time.

I might also say we attended a very large meeting that night when we were there, about a year ago, and there must have been about 100 or 150 people out to that meeting. They certainly extended to us every courtesy they could and gave us their views. As a result, we were waiting with somewhat bated breath to see what kind of bill the government would come out with. It came out with Bill 205 which we know has many of the ingredients of Bill 100.

I might also say we have received numerous letters, had delegations here at Queen's Park and received a number of phone calls trying to appraise us of the views of the residents, some of whom were seasonal and some of whom were permanent.

One of the things that upset me a little during the course of the last year or two is that in going to the Parry Sound area—and, as the Minister of Revenue and the member for that area has pointed out, it is a very nice area and we enjoyed our stay up there very much—we heard on more than one occasion that the opposition was to blame for holding up this particular bill. I said; "You must be kidding." They said, "Yes, the opposition is holding up the bill." I said, "That just can't be. We haven't even had a bill yet and we haven't indicated in any way whether we will or will not support it. Therefore, how can we be holding it up?" Nevertheless, these people insisted word was getting around that we were holding up legislation in one form or another that would bring some kind of greater local autonomy to the area.

Of course, that isn't true. We never have held it up. We have encouraged the govern-



ment to come in with the legislation. We only wanted an opportunity to study the legislation and have some contact with the people, after the bill had been introduced, to apprise ourselves of their views with respect to the various conditions and clauses and so forth in the bill.

Addressing my remarks to the areas of Kearney, Proudfoot and Bethune particularly, I think the people there wanted to have a meeting in recent months with respect to what was in Bill 205 and, subsequently, Bill 100. I think the government could have assented to their views and could have held another hearing. It was an easy copout to say the local councils should have the hearing. [12:45]

I am sure that the government hasn't, in every instance, done exactly what local councils wanted, either in this bill or in other bills. By suggesting local councils should sponsor those meetings, or agree to have them or to host them, and that the provincial government couldn't without their assistance go ahead and have a meeting in which the local taxpayers and residents of the Bethune, Kearney and Proudfoot areas could give their views, is somewhat misleading.

The other thing I want to say is that the term "regional government" has come up today and it has come up on a number of other occasions when we have discussed restructuring of government. Even if this isn't regional government per se, the fact that many people think it is regional government gives a good indication I suppose of the feeling people have towards regional government. Every time the provincial government proposes some kind of restructuring, as it did in Northumberland and then withdrew it, and as it has done it in a number of other areas, people immediately say, "Well, it is regional government and we don't want it."

This should tell the provincial government something about what the people of Ontario fear about regional government. Therefore if they try to impose some kind of regional government on any other parts of this province they know they are going to get the backlash of the residents in that and other areas of the province. As far as we are concerned, we don't want to hear any more of it, but it also tells us what the people across the province think about it.

**Hon. Mr. Maeck:** Tell your candidate that up there.

**Mr. Epp:** As my colleague from Haldimand-Norfolk has indicated, we will be introducing a number of amendments. I just want to speak to a number of points I think

members will find of interest. I want to address myself particularly to the archipelago. It is a large area and, as the parliamentary assistant to the Minister of Intergovernmental Affairs, the member for Wilson Heights, has pointed out, there is a population of about 7,000. There are many municipalities across this province with a population of less than 2,000 or 1,000. Granted, some of these people are seasonal residents; nevertheless they still pay their full taxation—education taxes, property taxes and everything else which will go towards supporting an administration. I am sure the Ministry of Intergovernmental Affairs will work with the government up there to try to establish a viable administration to deal with the many aspects of municipal government that it obviously has to deal with.

I noted that in putting forth his argument that we shouldn't have two municipalities in the archipelago the parliamentary assistant has indicated there would be a duplication of costs. If there is a duplication of costs in setting up two municipalities that same argument could be carried on to have one municipality right across the province, because we have 835 municipalities. I suppose with the new municipalities it will be 837. Then to suggest that in order to avoid duplication of costs we should have only one municipality, and to give that as his major argument, I don't think holds water, particularly when speaking about the archipelago. It has also been noted the Martin report, part of which was rejected, indicated there should be two municipalities.

The other very important consideration this House should give is that it doesn't make sense to have one municipality bisected in the centre by another municipality; in this case, Carling township. To have one municipality up here and another one down here and another municipality in the centre doesn't make sense. That is another good reason why there should be two municipalities.

I want to address another point: I am very pleased the government is changing Bill 100 to correlate more closely with Bill 205 as it relates to Foley. I suppose to a degree some of the permanent residents of Foley would like to have that part of Conger which was included, as the government indicated, in Foley. I guess it was going to have about 600 or so residents. If we look at the numbers, we find out that, give or take two or three—and I'm treating the permanent and the seasonal residents equally here—there were about 400 cottagers who wanted to stay in the archipelago.

There were about 210 people—I think that figure has been revised down to about 210



from 260—according to a petition, which I guess was conducted in about as fair a way as can be conducted, who did not want to be part of the archipelago and in turn wanted to be part of Foley.

We had about a two-to-one ratio of people who wanted to be part of the archipelago, and it is very pleasing to see that the government in this instance will be proposing an amendment which will coincide more closely with the wishes of the residents of the archipelago.

It was also pointed out by one of the councillors in Foley that if the archipelago people did not want to be part of Foley there was no reason for them to be part of it. They should choose their own destiny, and in this case I think it is overwhelmingly in favour of not going with Foley.

I might also point out that that was not in any way negative as far as Foley was concerned. Both my colleague and I visited Foley, and they have very adequate facilities there and a very good administration. Although they could have been able to deal with the annexed area, I think the government is right in not including that area in this bill.

In fact, when the parliamentary assistant was speaking to this point, he was so lucid and so articulate in his comments about why that part of Conger should not be part of Foley and should be part of the archipelago that I could not see why they ever included it with Foley in the second place, I suppose I should say, because they did not in Bill 205.

I was surprised to learn in the bill that the reeve is going to be appointed by the councillors in the first election. I thought democracy would dictate that the mayor or the reeve—certainly the head of the municipality—should be elected by the people.

**Mr. Rotenberg:** That's what you wanted for Metro yesterday.

**Mr. Epp:** We are talking there about a two-tier administration, and I am sorry the parliamentary assistant cannot distinguish between the two. We are talking here about a different form of government altogether. I suppose the parliamentary assistant is already thinking in terms of regional government in that area—

**Mr. Rotenberg:** No way!

**Mr. Epp:** —and it's unfortunate that he is already thinking that the person should be appointed rather than elected. Anyway, be that as it may, we feel very strongly that the reeve should be elected during the first election, that the people should have a choice as to who that person is and that the first person should have an opportunity going about and

meeting the residents and trying to get some support by the residents.

We also believe that the township hall should be in the municipality. There may be some argument to have that in an adjacent municipality, but certainly not any place in the Parry Sound district. The reason this was put in, as I understand it, was that there was a fear that the residents were going to have their meetings here in Toronto; I heard that on more than one occasion. So they could not have the meetings here in Toronto, the government decided to say, "Look, we'll restrict this to the Parry Sound district," which is a very large district. They could almost have it in Toronto but not quite. We feel they should have it in the municipality but, failing that, they should certainly have it in the adjacent municipality. I will be interested to hear some points of view expressed by the parliamentary assistant with respect to that particular matter.

In conclusion, we think the structure is a fairly good one, consequent of course on the amendments that we are going to introduce. Taking unorganized areas and making a township out of those unorganized areas is a step toward autonomy and certainly a step toward the right direction. As far as planning is concerned, many more benefits are going to accrue to the area because they are going to have more organized planning and maybe not as many severances and annexations and so forth. It will bring some order out of, I suppose, a form of chaos and bring about greater consultation with the people.

In conclusion, I support the principle of the bill and recommend it to you, Mr. Speaker.

**Mr. Swart:** Mr. Speaker, I had wanted to speak for five or 10 minutes on the principle of this bill but, in the interests of getting finished at one o'clock, I will confine that to about two minutes. Perhaps during some of the amendments, with the Chairman's permission and not being out of order, I will be able to interject some of my thoughts at that time.

The member for Wentworth has pretty well outlined the position of our party in this. I recognize all the difficulties of restructuring government anywhere. I do want to commend the government for going about it in this manner, rather than in the form of annexation, which is much more costly. One also can look at the total perspective by doing it legislatively.



There are two good measures in the final bill with the amendment that is going to be introduced. One is that we are moving quite a lot of unorganized territory into organized municipalities. I am in favour of that. I think local self-rule is a good principle. Secondly, we are moving the northeast part of Conger into Georgian Bay Archipelago, which is advisable.

When the amendments come up, I am going to listen rather closely to them. We have decided some things, but I am going to listen rather closely to the amendments and make decisions based on the arguments that are put forward, with perhaps two exceptions. One is that it seems to us that there should be two municipalities there rather than the one. There is a place for two groups being formed at the same time to experiment and perhaps go in different directions. At some future date, we can determine which one should be preferable to follow if it all goes into one municipality. The second is that it leaves more options open than if we put them together at this present time. It is always easier to unite than it is to divide, once we get a structure set up and vested interest.

The second thing we have decided is that there should not be an exemption from startup grants. The member for Parry Sound must know that Mr. McKeough in his report back in the winter of 1978 made the comment that the government of Ontario is prepared to give special financial and other support to municipalities in the district of Parry Sound. He went on to say this legislation would give the Parry Sound district municipalities the provision of special financial assistance. I don't think we should rule that out at this time. They may be going to be better off at the beginning than other areas. But this government has given startup grants to regional governments across this province and that principle should be in the bill which we finally adopt in this House.

As I say, I hope to make some more comments during the clause-by-clause discussion

and I will be listening very closely when the debate takes place on that.

**Mr. Breithaupt:** Mr. Speaker, I am pleased to rise in support of the approval in principle of Bill 100. My family has had a very happy connection with this area and the area to the south for some 80 years. While I personally have not spent many recent summers in the area, I know how much enjoyment so many of our Ontario residents and others have gained from the cottage and summer activities which they have enjoyed in the area. I would particularly include the Premier (Mr. Davis) and his family, who also know the entire Georgian Bay area particularly well.

I was impressed with receiving copies of the brief that had gone to the ministry in March 1979. After Bill 100 had come before us, it was important to see the changes from that original Bill 205. I am pleased the ministry has accepted the recommendations which the majority of the cottagers and other residents of the area have suggested concerning the matter of annexation.

I think the member for Parry Sound and Minister of Revenue has very well stated the balancing which has had to occur. I know the large numbers of persons in the cottagers' associations particularly will be pleased that the bill in that annexation matter has been returned to its initial state. The brief that has been submitted has been well put together, and I think thoroughly considered.

So far as the development of two municipalities is concerned, I presume we will wait until the matter goes to committee to discuss that item further. However, I do hope these two areas, now that the first one has really been resolved, will be dealt with in amendments to the bill, and I commend the ministry for dealing with that first item. I hope when the time comes they will reconsider the second matter, also.

Motion agreed to.

Ordered for committee of the whole House.

The House adjourned at 1 p.m.



## APPENDIX

(See page 2967)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## GOVERNMENT PURCHASING

**236. Mr. di Santo:** Would the ministry calculate the total annual spending on goods and services for the Ontario government by ministry, by agency and by public corporation? Would the ministry calculate the percentage by value of those goods and services that are not manufactured or produced in Canada? [Tabled June 5, 1979.]

**237. Mr. di Santo:** Would the ministry table 50 examples of Ontario government purchases since January 1, 1978 where a price preference of more than 10 percent was applied to a Canadian bid? Would he indicate the date of each of those purchases, and its value? [Tabled June 5, 1979.]

**Hon. Mr. Henderson:** The answers to questions 236 and 237 cannot be obtained within the 14 calendar day limit. This serves notice that the answers will be forthcoming as soon as the information has been obtained and compiled, approximately July 15.



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No. 74

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Monday, June 18, 1979

Afternoon Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

MONDAY, JUNE 18, 1979

The House met at 2 p.m.

Prayers.

## STATEMENTS BY THE MINISTRY

### TRIBUTES TO HELEN ALLEN

**Hon. Mr. Davis:** Mr. Speaker, with the House's concurrence I am doing something different today. It is a privilege to pay tribute to Helen Allen, the author of "Today's Child," a woman of great dedication and sensitivity, whose efforts on behalf of hard-to-place children have earned her the gratitude and affection of thousands of children and their adoptive parents.

Miss Allen has worked quietly and without fanfare for more than 16 years in this most important social area. Her column began at a time when there was difficulty gaining acceptance for older children, those with mixed racial backgrounds and the handicapped. Children such as these more often than not had little more than institutional care ahead of them. Miss Allen became a mother to them all. Her detailed and personal portraits of the children she featured in her column presented the challenge and rewards potential parents could expect through adopting one of her children. Each column, I believe it is fair to say, reads as if it was written by a proud mother, anxious to talk about a favourite son or daughter. She opened the hearts and minds of many people, and for that the people of this province, the children and their families owe her a great debt of gratitude and appreciation.

"Today's Child," which was started in 1964 in the Toronto Telegram with the co-operation of the Ministry of Community and Social Services, now appears in more than 100 daily and weekly newspapers throughout this province. In addition, Miss Allen inaugurated the television version, Family Finder, in 1969. When the Telegram closed in 1971, Miss Allen continued the column in co-operation with the ministry. It has now many imitators throughout North America and indeed throughout the world.

Miss Allen has freely shared her experience with children's workers from these jurisdictions and helped them along the way towards establishing their own programs. She was able

to reassure these people, many of them professionals, who were concerned about the use of the media in the adoption process. The same concerns about confidentiality and the like were quickly overcome in Ontario through the positive results that came almost immediately from "Today's Child." Since then, more than 10,000 adoptions have taken place in Ontario.

Helen Allen had already made a considerable contribution as a newspaper woman in the province before she began "Today's Child." She has been a general reporter, movie critic, women's editor, features editor and political writer. Her work saw her involved with many of the major events of our times. Her readers could always count on the clarity, fairness, sensitivity and accuracy of her reports, qualities that she brought to each "Today's Child."

Therefore, in this International Year of the Child, I believe it is proper and fitting that we in this Legislature acknowledge to Helen Allen, on behalf of the people in the province and those whose lives she has touched with the joy of family-sharing, that we do truly appreciate the great work she has done and wish to commemorate it through this ceremony here today.

**Mr. S. Smith:** Mr. Speaker, on behalf of those of us in the official opposition, I wish to associate ourselves with the excellent remarks just made by the Premier. People have tried over the years various forms of social organizations. All of them have their good and bad points yet one finds, as the years pass, that there is no real substitute for the family as we know it, the traditional family unit. There have been very interesting attempts at group and communal living; there have been interesting and valuable institutional arrangements with excellent people, but there is still no substitute for the family.

Miss Allen took the fact that there were thousands, tens of thousands and hundreds of thousands of children around the world who did not have easy access to a home and family. Instead of doing as so many of us do, cursing the darkness, she thought to light a candle. Little by little, she herself and those who have taken on the method which she pioneered have brought about that warmth



and that family life for thousands and thousands of young human beings who otherwise might not have had that chance. All of us are in her debt. It is an honour simply to be associated with those who would do for humanity what Miss Allen has done. We salute her and wish her well.

**Mr. Cassidy:** Mr. Speaker, I just heard the voice of a child who was contributing his or her opinion about the scroll which is being given to Helen Allen. I think it is a very positive endorsement coming from the gallery. I would like to join with it and with the words of the Premier and of the Leader of the Opposition.

I would like to speak not just on behalf of my party, but also as a parent who has on a number of occasions discussed with my wife, after reading a column of Helen Allen's with maybe one or two girls in it, since we have boys, the possibility of adding to our family. Helen Allen's column has for us, and I am sure for many thousands of other people across the province, always kept to the fore that question of whether you can in fact be a parent to some kids who need parents? Can you expand your heart and can you expand your family in order to include these particular children? I think that kind of challenge is very important in a society which for too many of us tends to be, or is becoming, a kind of "me" society where we look only at our own personal needs and not at the needs of the community as a whole.

Adoption has traditionally been thought of as going to the hospital and bringing home a bright little blond baby, a week or two old, who will coo, be adoring and do what babies are meant to do. But the facts are—and that's what "Today's Child" and the Family Finder television show have shown—that there are real children out there and that there are problems in adoption in terms of finding adoptive parents for older children, for kids who have health problems, for kids who in some cases have been scarred emotionally because of their family background or who have other kinds of mental problems, for kids who perhaps have some degree of retardation and for kids who have enormously strong ties with their family, their cultural group or ethnic group or with their siblings, ties which if possible should not be broken.

I think it is almost a miracle that at times Helen Allen, through her column and through the TV show, has been able to find parents for family groups of as many as four or five children together, who should not by any stretch of the imagination be separated, but who might otherwise be condemned to live out their childhood in institutions rather than

with a family. Through her column over the course of the last 16 years, Helen Allen has helped to make adoption of the difficult-to-place children just as acceptable as adoption of the adorable young infant.

On behalf of everyone here in the Legislature, I wish to say that the fact that the column itself has placed 3,600 children over the past 15 and 16 years—and Helen Allen can look to that as an accomplishment—and many thousands more children in this province and other parts of the world have also been able to find families because of this column and because of its imitators in other jurisdictions, is an accomplishment to be proud of in one's life. If I were able to reach my senior citizenship—or any of us—with that accomplishment behind me, I would feel it was a life well spent.

We congratulate Helen Allen on her accomplishment.

**Hon. Mr. Davis:** Mr. Speaker, in that we have not done this in the House before—or certainly not for some time—I am not sure exactly what the rules provide. I thought that since Miss Allen is not allowed to come on the floor of the Chamber, perhaps you would join me, Mr. Speaker, and we would go to the edge of the assembly for this presentation of a scroll to Miss Allen.

#### VIETNAMESE REFUGEES

**Mr. S. Smith:** Mr. Speaker, this is to some extent in the same spirit, so I wonder if I could have your indulgence and the indulgence of the members of the House for just a moment.

I want to rise to draw the attention of members to the plight of Vietnamese refugees who, we are told, are being put out to sea in leaky boats. I would hope, and I know that our House would be unanimous in the view, that Ontario, through the Premier, should state our willingness to accept our share of these refugees and to encourage the government of Canada to state its willingness on the international scene to accept our fair share of these refugees from Viet Nam.

We have in our time as a country accepted on a humanitarian basis people in great difficulty and I am sure our country and our province would want to rise to this occasion. I know that members would share this sentiment with me. If we could express ourselves through our government, I know we would feel much better about it at this important time on the world stage.

**Mr. Cassidy:** Mr. Speaker, I was intending to say a couple of words about what is happening in southeast Asia as well. Yesterday



at the provincial council meeting of the Ontario New Democratic Party, my party passed an emergency resolution that condemned the genocide taking place in Viet Nam and expressed grave concern at the actions of the governments of Malaysia, the Philippines and other countries in the southeast Asia area, in seeking to turn away the refugees, the boat people. We called on the government of Canada to open Canada's hearts and open our doors to provide leadership to the rest of the world in accepting more of these refugees and also in providing financial and material support to the countries such as Malaysia, which are now bearing the burden of having to lodge them.

[2:15]

I would like also to join in the sentiments that have been expressed and to ask the Premier if he would convey those to the government of Canada. I would like to suggest it would perhaps be appropriate that, by agreement between the three parties, a motion to that effect could be adopted by this Legislature, perhaps at our sitting tomorrow.

**Hon. Mr. Davis:** Mr. Speaker, actually the new Minister of Immigration was in touch and we had a brief discussion in cabinet on Wednesday. We have already communicated to Mr. Atkey the agreement of this province to accept and assist an increased number of Vietnamese people. This action is already underway. Mr. Atkey was in communication, I believe it was last Tuesday or Wednesday. Cabinet discussed it on Wednesday of last week and I believe the communique has already gone to Mr. Atkey indicating our intent to assist and co-operate on the assumption the government of Canada is probably going to increase the number of Vietnamese refugees coming into this country.

#### GOVERNMENT PURCHASING

**Mr. Cassidy:** On a point of privilege, Mr. Speaker: Last Thursday, just prior to leaving for Israel, the Minister of Industry and Tourism (Mr. Grossman) promised to give updated information on tenders called by the ministries and said he would have that for us "tomorrow morning," which was last Friday morning. That information was not provided. In fact, the minister has instead gone off to Jerusalem or other places in Israel.

I want to bring to your attention, the information we have that companies in Canada are still being asked to bid on tender documents which require such things as Kodak Ektalite or Bell & Howell SR-900 microfiche readers. In other words, products of multinational firms often made outside of this coun-

try are being used in Ontario government specifications, rather than neutral documents or documents that specify Canadian-built equipment.

#### EXCHANGE OF TAX INFORMATION

**Hon. Mr. Maecck:** Mr. Speaker, I am pleased to announce to the honourable members that this morning four exchange of information agreements were signed between the provinces of Ontario and Quebec. The agreements, signed by myself, the Honourable Jacques Parizeau, Quebec Minister of Finance and of Revenue, and the Minister of Intergovernmental Affairs (Mr. Wells), formalize the exchange of taxpayer information to ease the tax administration process and to provide for intergovernmental fuel tax adjustments between the two provinces. Tax statutes of the two provinces provide for this type of exchange of information by mutual agreement.

I would like to point out that Ontario has interprovincial taxation agreements in one form or another with every province in Canada.

Specifically, the formal tax agreements between Ontario and Quebec provide: First, for the exchange of gasoline and fuel tax information and direct intergovernmental adjustments of tax where fuel has been taxed in one province and transferred in bulk to another.

Second, for the exchange of audit information and joint audits where taxpayers operate in both provinces.

Third, for both provinces to advise the other of the proposed tax assessments which affect the other's revenue or income allocation to avoid double taxation.

Fourth, for Ontario and Quebec to carry out tax investigations on a co-operative basis in an effort to reduce tax evasion.

Collectively, these formalized measures will largely reduce the incidence of double taxation and will significantly simplify the taxation process for taxpayers with dealings in both jurisdictions. Additionally, the ongoing exchange of taxation data and the use of joint audits will put to more effective use the manpower resources of both revenue ministries, and the combined investigative capacity of the two provinces working together should have a substantial impact on the incidence of tax evasion.

Although these same exchanges of information between Ontario and Quebec existed until today on the basis of informal letters of understanding, not unlike present arrangements with other provincial jurisdictions, I



see the formalization of these arrangements as a very important advance in the reduction of double taxation affecting the citizens of our two provinces.

The staff of both ministries have worked very hard for a number of months to formulate this comprehensive set of agreements. I am sure the signing this morning will be of mutual benefit to both jurisdictions in the administration of our respective taxing statutes.

### ENERGY CONSERVATION

**Hon. Mr. Auld:** Mr. Speaker, I am pleased to inform the House that a 50-50 cost-sharing agreement has been reached between the government of Ontario and the government of Canada to provide \$58 million over the next five years for the development and demonstration of renewable energy and energy conservation technologies.

As honourable members know, in the last 12 months Ontario has launched a number of energy conservation programs, including an innovative program at the municipal level; a program to encourage commercial building operators in downtown Toronto to dim the night skyline; a program to identify energy conservation techniques for the province's 800 skating rinks and arenas; several pilot thermography information and home energy analysis projects in selected communities throughout the province; an experimental car-pooling and van-pooling project; and programs to advance knowledge and understanding of the potential for district heating and industrial cogeneration.

The agreement announced today is an important additional contribution towards realizing Ontario's policy objective of reducing the provincial rate of growth of demand for energy to two per cent by 1985 from the present growth rate of 2.9 per cent. This reduction would represent a saving equivalent to about 40 million barrels of crude oil per year in 1985. I am pleased to say we are well on the way to achieving that goal. Prior to the 1973 oil crisis, Ontario's demand for energy grew at a rate of more than five per cent per year.

In the area of renewable energy development, the Ministry of Energy has played a key role in demonstrating the potential for solar energy equipment in the first solar-heated school in the country in St. Catharines, Ontario; a public swimming pool in Richmond Hill; a hospital in Oakville; a high school in the borough of Etobicoke; Ontario Housing Corporation's homes in Toronto; and a senior citizens residence in Aylmer.

Similarly, the ministry has been working with municipalities, the private sector and industry on projects to turn waste, whether it be in the form of garbage, wood waste, farm waste or waste heat, into usable energy.

**Mr. Wildman:** What's happening in Hearst? Tell us about that.

**Hon. Mr. Auld:** By the year 2000, we expect that at least two per cent of Ontario's primary energy requirements will be met by the further development of indigenous renewable energy resources. While that goal may seem modest, it translates into roughly the equivalent of 20 million barrels of oil annually, enough to heat almost one million new homes.

In the ministry's view, it is an entirely reasonable target, keeping in mind the current state of renewable technology and the reality that other competing energy supplies are still cheaper and more reliable for most applications. It is our hope and our expectation, however, that the new agreement will significantly enhance the prospects that technology being developed elsewhere will be successfully adapted to Canadian conditions and that Canadian renewable energy technology will be developed on a selected basis.

Because Ontario is already a leader in Canada in most areas of energy conservation and renewable energy, this program will stimulate the province's growing renewable energy and conservation industrial capability. It will also further strengthen the competitive position of Ontario firms to take advantage of the industrial development opportunities arising from similar agreements being negotiated between the federal government and other provinces.

The Ministry of Energy will administer the program in Ontario. The allocation of funds will be approved by a management committee consisting of representatives of both governments. In general terms, the following principles will govern the disposition of the funds:

First, funds will be allocated to those areas where there is the greatest potential for achieving energy savings or for demonstrating the application of renewable-energy technology rather than to individuals for small-scale, private projects.

Second, the general criteria for choosing projects will include the potential for conservation of energy or for the development of alternative energy; cost-effectiveness; contribution to employment; impact on public awareness; private-sector interest and participation, including cost-sharing; and the potential contribution to Canadian energy, industrial, trade, regional and environmental objectives.



Under the terms of the agreement, the governments of Ontario and Canada will share equally the costs of projects. Third parties may also participate in projects and would normally be expected to assume a portion of the costs.

In this latter connection, and to assist us to allocate the funds to achieve maximum results, we will be seeking the co-operation of many sectors of the community. Specifically, we will be asking those industry associations and groups which can benefit directly from information resulting from development and demonstration projects, to identify those opportunities and candidate projects which can best serve the needs of many. In fact, a key condition which must be met before a proposal will be considered by the Ministry of Energy is whether it clearly sets out in a demonstrable way the benefits which the project will bring to the community at large.

One example of the kind of proposal which could be considered is a proposal from condominium associations which may want to get together to identify conservation or renewable-energy projects for their buildings. In this way, projects in a few locations will help many others determine what is feasible and cost-effective. Church groups may want to do the same thing.

Another example: The Ministry of Energy has been working with the Housing and Urban Development Association of Canada in preparing a guide for builders on how to incorporate energy-efficient layout and design, passive solar heating design and solar domestic hot water units in new home construction.

We have discussed with the Ontario executive of HUDAC the possibility of adapting the designs of some model homes to incorporate these new approaches to give all builders and the home-buying public an opportunity to see what can be achieved. This kind of project could have a significant impact on the energy needs of new homes.

In brief, this will be our approach to the allocation of these funds.

Over the next few months, detailed announcements of how the funds will be allocated and invitations for submissions of project proposals will be forthcoming.

I should stress that this is not a program to subsidize the investment costs of individual businesses or home owners. Rather, it is a program to advance energy conservation and renewable-energy technologies so that reliable new products and techniques will be available for the public to invest in according to their own needs. As such, it will make a significant contribution to safeguarding our

energy future and conserving our nonrenewable resources.

#### PRIVATE MEMBERS' BALLOT

**Mr. Speaker:** I beg to inform the House that, as the House is to sit at 10 o'clock Thursday morning, the ballot for the private members' business will be held at 9:30 a.m. on that date.

The Leader of the Opposition for question period.

**Mr. S. Smith:** I was waiting for "Oral questions," Mr. Speaker. Without that, I don't salivate on time; I need that signal.

#### ORAL QUESTIONS

##### ENERGY CONSERVATION

**Mr. S. Smith:** Mr. Speaker, may I ask a question of the Minister of Energy on one or two points stemming from his statement to the Legislature?

First of all, how does he imagine that Ontario can achieve the technological leadership in the field of conservation of renewable energy, which we believe is within our grasp if we only work at it, when he and the federal government are going to put about \$6 million each per year into this enterprise, while in the United States, for solar energy alone and without even talking of conservation and all the other forms of renewable energy, they are putting in \$650 million in one year alone?

With these paltry sums, compared to the \$4.5 billion or \$5 billion that Darlington is scheduled to cost, how does he imagine we can possibly compete on the world scene? Why is he letting that particular area of technological expertise pass us by with these trifling sums of money?

[2:30]

**Hon. Mr. Auld:** As I have said in the House previously, we don't intend to attempt to solve all the problems and invent all the new technology. What we are doing is, first of all, observing what is being done in a public way in other jurisdictions, and spending some time and money on adapting schemes that seem to have promise in other jurisdictions to the unique situations we have in various parts of our province, which differ again from situations in other provinces in the country.

In my remarks a few moments ago I did not say we are expecting to become the world leaders in conservation and exploitation and technology in renewable energy and conservation; I said the program "will stimulate the province's growing renewable



energy and conservation industrial capability. It will also further strengthen the competitive position of Ontario firms to take advantage of the industrial development opportunities . . ."

**Mr. S. Smith:** By way of supplementary, why shouldn't we be world leaders? We spend billions on education here. We don't have to go totally down the nuclear road. Why doesn't the government aim high and make us world leaders in renewable energy and conservation techniques? The world will need it.

May I ask, furthermore, what is this interesting new government policy objective of reducing the provincial rate of growth of demand for energy to two per cent by 1985? That sure isn't what Ontario Hydro told us when it was in front of us. Their electricity projections are about four and a half per cent, and their projections for total energy growth are well above two per cent.

**Hon. Mr. Auld:** I am speaking of total energy growth, and that is the goal announced by this ministry and by my predecessors in this ministry some time ago.

**Mr. Cassidy:** Can the minister explain why this government has set its sights so low in terms of what renewable energy and conservation can contribute to our energy needs? Is the minister not aware that through conservation techniques it should be possible to bring our energy demands back down to the level of eight or 10 years ago; that is, to cut our energy needs by about 20 or 25 per cent with no loss at all, either in industrial production or in the standard of living? Why is it that the government is only talking about two per cent of our total energy needs coming from renewable energy sources or from conservation when the potential, if the government showed leadership, is so much greater?

**Hon. Mr. Auld:** Again, I don't agree with the leader of the New Democratic Party that we can have an actual reduction in energy use. Quite frankly, my personal opinion is I don't think that is a feasible target in any part of North America. I do think we can reduce the rate of growth of the total energy demand significantly, and that is exactly what I said.

#### RAPE CRISIS CENTRES

**Mr. S. Smith:** I was going to direct a question to either the Premier or the Deputy Premier. Oh, there is the Deputy Premier with his back to me.

Let me ask a question of the Deputy Premier in his capacity as Provincial Secretary for Justice. In view of the minister's comment last week that rape crisis centres should

establish community support for their ongoing projects and his statement that the government was no longer willing to give them ongoing funds but rather wants to use its money for short-term projects, would the minister explain what organizations such as the Hamilton rape crisis centre are supposed to do when they have a source of community funds from the United Way but that support is contingent upon their also getting some money from the government? They have some \$14,500 from the United Way, if the government comes up with its \$15,000. Would it not be fairer to give an incentive to these rape crisis centres and offer at least to match contributions they receive from their own communities?

**Hon. Mr. Welch:** Mr. Speaker, as the Leader of the Opposition will perhaps recall, when the community information centre program of the province was established by the former Ministry of the Provincial Secretary, that was the relationship and that is how Hamilton got involved. The interesting question which the member may want to ask at the community level is how much fragmentation do we want on community information facilities? There may be some point at which to approach this whole question in some co-ordinated way. How many crisis telephone numbers, how many facilities for this type of community response, does each community want to support?

I would point out to the member that it is not a case of giving up support of the rape crisis centres. There has been no established formula for support in so far as this facility is concerned. In an attempt to be helpful, we have been saying to the Ontario rape crisis co-ordinators let's discuss ways in which we can help them to become better known in their communities and to assist them in some practical ways to invite the community to become far more involved in support of their programs. Let's be honest. We have a number of competing needs in each community. Where are we going to stop if we get involved in each individual program along the way? Aren't there other ways in which we can be helpful?

To go back to the member's original question, he will find in Hamilton and in many communities throughout the province, community information centres already in place with this relationship of so much from the United Appeal and so much from the provincial government. I am wondering how much consultation there has been with these people, the Ontario rape crisis people and those community information facilities that



are already in place and are being funded the very way the member talks about.

**Mr. S. Smith:** Does the minister not understand the very important difference between the function of a rape crisis centre and the functioning of a community information service? Does the minister not recognize in Hamilton the rape crisis centre will have to close down if the government doesn't come up with its share of the money so that it can collect the community share of the money from the voluntary sector?

At the very least, why doesn't the government make the same offer? First of all, give Hamilton its share so that it can get its money from the United Way and, secondly, make the same offer to the other rape crisis centres across Ontario.

If the government wants us to believe the reason it is holding back on them is that it wants to avoid a multiplicity of services, why is the government starting a new service in Brampton, announced by the Minister of Correctional Services (Mr. Walker) recently, to assist victims of various other crimes?

**Hon. Mr. Davis:** Great town.

**Mr. S. Smith:** Does the minister not realize the importance of assisting the victims of one of the most serious crimes of our time, one which is on the increase, namely, rape?

**Hon. Mr. Welch:** I would assume that the very progressive program announced by my colleague, the Minister of Correctional Services, would encompass the victims of that particular criminal activity. There is no reason to say that would be precluded.

Secondly, I point out to the member that in many of the communities throughout this province there are care lines and there are crisis centres, most of which are looking to the community for support. I am quite aware that there are special needs, depending on the crisis. There are battered children, battered wives and all sorts of specific areas of concern to which we would address ourselves in this co-ordinated way.

**Mrs. Campbell:** Does the government care about any of them?

**Hon. Mr. Welch:** I must say that I haven't met with the Hamilton people, but I would be very happy to meet with them to sit down and discuss their particular needs with them.

**Mr. S. Smith:** Give them the government share and let them get their community share. You won't even do that.

**Mr. McGuigan:** Supplementary: Would the Deputy Premier confer with his colleague, the Solicitor General (Mr. McMurtry), and inform the House of his response to the request by the Ontario Status of Women Council for

an investigation report on the recent OPP study which described young rape victims as promiscuous and indiscreet?

**Hon. Mr. Welch:** I suppose the straightforward answer is yes, I would be very happy to ask the Solicitor General to respond to that. This is not the first time this matter has been brought up in the House. I thought the matter had been responded to at an earlier time. I will bring the matter up again with the Solicitor General.

#### GOVERNMENT PURCHASING: NANTICOKE CONTRACT

**Mr. Cassidy:** I want to ask the Chairman of Management Board a question about government purchasing which arises from the case of Canadian Applied Technology, which we raised last week, and its unsuccessful bid to supply the Ministry of the Environment with an air quality monitoring device in Nanticoke.

Is the minister aware that there was no public opening of bids for this contract of roughly \$200,000? Is the minister aware that although the company, CAT, knows that its bid was lower than that of the winning firm from Texas it has never been able to find out what the winning firm bid? Is it government policy to prevent companies that bid for Ontario government contracts from knowing what the other bidders bid or what the winners bid? Is that now government policy and is that also government policy with regard to the public's knowing what is bid on Ontario government contracts?

**Hon. Mr. McCague:** It is my understanding that where tenders are for items on which there is a certain element of judgement and a certain number of conditions attached, they are not opened publicly. If it's for a specific item in which several are able to supply exactly the same equipment, those tenders can be opened publicly.

**Mr. Cassidy:** Supplementary, Mr. Speaker: We've been talking with the ministry's officials today. Is the minister aware that according to the information we've been able to gather, a majority of purchases which are made by the government do not have public openings of tender but are carried out in some other way to which the public appears to have no access? Could the minister explain why it is the Management Board doesn't require as a matter of course that ministries of the government publish a list of all bidders and of bid prices on government contracts? This is the standard practice in major municipalities across the province. Surely if we had a government that was committed to



ensuring that the taxpayers' money was spent effectively, it would also be a matter of course that bidders and bid prices would be published by the Ontario government.

**Hon. Mr. McCague:** I think I already explained that to the leader of the third party. Where a very complicated evaluation process is necessary with a tender, those are not opened publicly. It wouldn't serve any particular interest to do such. Where the tenders involve a standard kind of equipment and it's a question of price only, then the normal procedure would be to have a public opening—if the bidders requested it.

**Mr. Hall:** Supplementary: In view of the fact that on Monday, June 11, my leader asked the Minister of the Environment to make public the reasons for the rejection of Canadian Applied Technology's bid on the Nanticoke environment management program, and since the company had informed us they are willing to have the information made public, and since the written permission the minister requested from the company has been received in two separate letters dated June 11 and June 13, will he speak to his colleague and see that this information is made available to the House? Does the government intend to stall on this matter until the session is over?

**Hon. Mr. McCague:** I'll be glad to bring to the attention of the Minister of the Environment the fact that the honourable member asked that question.

**Mr. Laughren:** As it would appear the weighting government ministries apply in the decision-making process is weighted more to things like technical considerations rather than Canadian content, would the Chairman of Management Board direct all the ministries to attach a very heavy weighting to the Canadian content part of the decision-making process, so we can see there is a real commitment to the whole idea of Canadian content in the awarding of government purchases?

**Hon. Mr. McCague:** As the honourable member knows, there has always been a Canadian and Ontario preference. However, I will be glad to take a look at that policy to see it is fair to those people in Ontario and Canada.

**Mr. S. Smith:** May I read by way of a final supplementary to the minister a quote which says: "I think we are interested in fair trading, but I think we understand without realistic access to at least our own domestic market on a nation-wide basis we will be effectively prevented from developing the technology that is needed in many critical industries"? That quote is from the Minister

of Industry and Tourism in the minister's own government. How can he possibly say things of this kind and then discriminate against Canadian companies the way he has in the case of CAT?

**Mr. Eakins:** Where is Larry today?

**Mr. Bolan:** Trying to mend fences.

[2:45]

**Mr. Cassidy:** Supplementary: I want the minister to answer this question. Is it not the case that any ministry that says there are technical questions involved with a particular purchase can thereby suppress public scrutiny of the tendering process and refuse to publish the tender prices and the bids on a particular contract? Is that proper stewardship of the money of the taxpayers of Ontario? Should not they be compelled to publish all of the tenders and, in cases where technical merit had greater weight than price, explain why it was that price alone did not govern the choice of contractor on that particular bid?

**Mr. MacDonald:** This is a retreat to pre-Hydro scandal, early-1950 days.

**Hon. Mr. McCague:** Mr. Speaker, I think the honourable member knows the answer to that question.

**Mr. S. Smith:** Is that arrogance or ignorance?

**Mr. Cassidy:** Mr. Speaker, I just want to say that I thought we had open tendering in this government, and obviously we do not have any more. I am really shocked to find this out.

**Hon. Mr. Walker:** You look it.

**Mr. S. Smith:** The Duplessis regime was the same.

**Mr. Cassidy:** It is back to the days of George Drew—away back in the 1930s—

**Mr. Speaker:** Question!

#### SKILLS TRAINING FOR WOMEN

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Education. Since women make up 40 per cent of the work force of Ontario, could the minister explain to the House why, according to the figures she has tabled in the House, less than one per cent of the workers who have been enrolled in employer-sponsored training are women?

**Hon. Miss Stephenson:** No, Mr. Speaker, I cannot explain that. But it is my hope, as a result of the encouragement that is being given to women to consider very seriously skill training as an alternative and viable career choice, that many more women will



be interested in involving themselves in such programs.

A new employer-sponsored training agreement in the machine building trades was signed just last week, and an increased percentage of the applicants for that educational process will be women.

**Mr. Cassidy:** Is the minister aware that over the course of the past four years 1,700 women have taken courses at community colleges across the province to introduce them to non-traditional occupations, they have taken 75,000 training days to prepare for nontraditional occupations, and yet the ministry's most recent figures show that only four women are taking apprenticeships in the construction trades, compared with 11,957 men, and only 11 women are taking apprenticeships in the motive power trades, compared with 9,793 men?

What steps is the government going to take to ensure that women have adequate access to the apprenticeships, which they are obviously eager to take but cannot get into now?

**Hon. Miss Stephenson:** To my knowledge, the doors are wide open to those women who choose to enter that kind of apprenticeship program. It is nontraditional. We have been attempting to demonstrate to many young women that these are reasonable career choices for them and some which they should pursue, and it is my sincere hope that that is exactly what they will do. To my knowledge, there is no impediment to the entrance of women into any of those skill-training programs.

**Mr. Wildman:** A supplementary question, Mr. Speaker: Is the minister not aware that, since the government has not yet declared the sections of Bill 70 which replace the old Mining Act, women are prohibited in mining communities from taking part in most apprenticeship programs because they cannot work underground, according to the law?

**Hon. Miss Stephenson:** I am aware, too, Mr. Speaker, that all the employers in that area know that section of the bill has been modified and will take effect when the bill is promulgated. There is no reason at all why the women should not be involved in apprenticeship programs on the basis of that foreknowledge.

#### DISASTER RELIEF ASSISTANCE

**Mr. Eakins:** Mr. Speaker, my question is to the Minister of Intergovernmental Affairs.

With respect to the minister's recent decision regarding the declaration of some of

the townships surrounding Lake Nipissing as disaster areas, but not the four unorganized townships of Macpherson, Loudon, Latchford and Bertram in the northwest area, is the minister aware that there are still some tourist camps in these townships that are still under some water at this time?

Since the appeal to the Minister of Industry and Tourism last month for his support, as head of the province's tourist sector, was the Minister of Intergovernmental Affairs informed of their plight by the Minister of Industry and Tourism, and what steps is the minister taking further to help the townships at this time?

**Hon. Mr. Wells:** Mr. Speaker, I do not have any record of having any direct contact from those areas to be designated as a disaster area. If they so wish to be considered, I would be happy to look at the situation.

**Mr. Bolan:** How does the minister explain the government's reasoning in declaring the townships of North Himsforth and Nipissing as disaster areas, which incidentally are in the riding of the member for Parry Sound, but not the unorganized townships of Macpherson, Loudon, Latchford and Bertram, when they received every bit as much damage as those areas which were declared disaster areas and which did apply to the government for some form of assistance? Is the level of the lake at one end lower than at the other?

**Hon. Mr. Davis:** If you will remember you asked about the other townships first. You got caught. Look after your own people.

**Hon. Mr. Wells:** There is a rather strange connotation in my friend's question. I should think he would be the last one to point a finger and suggest, which I take from his question, that there is some kind of favouritism towards ridings represented by the government in this program.

**Mr. Bolan:** What other interpretation do you have?

**Mr. S. Smith:** Then there is no reason to vote Tory if that is the case.

**Hon. Mr. Wells:** I might point out that if those particular areas are interested in being considered—I have not had them drawn to my attention—we will certainly look at those particular areas, but I draw to my friend's attention that probably one of the biggest co-ordinated government enterprises in response to a flood situation is occurring in his particular riding in the area of Field.

#### HOSPITAL BED ALLOCATIONS

**Mr. Breaugh:** Mr. Speaker, I have a question of the Minister of Health: Is the min-



ister aware of testimony given to the social development committee last week by several prominent Toronto physicians, mostly from teaching hospitals, which questioned the current statistics provided by the Ministry of Health on the number of beds per thousand, and indicating that the ratio might be substantially less than the ministry currently purports it to be if one considers nonresidents and teaching hospitals and several other variants? Is he concerned that this might lead to a rather drastic shortage of beds in the city of Toronto this summer?

**Hon. Mr. Timbrell:** Mr. Speaker, I am aware that such a presentation was made, although I must admit I have not yet had the opportunity to sit down and read the Hansard of that meeting. At least six to eight weeks ago we held a meeting with representatives of the Hospital Council of Metropolitan Toronto and the University Teaching Association of Metropolitan Toronto, at which time we discussed the whole question of beds in Metro. From having spoken to the Wellesley clinical day, I was aware then of this view. In fact I think I acknowledged when I was last at the social development committee, to discuss beds and the like, that that view is not unlike one we share that there is a certain level of utilization of what we at present call active treatment beds for long-term purposes.

I asked this joint planning group made up of the Hospital Council of Metropolitan Toronto and UTHA to look at this matter and to work with us on how that might be rationalized to ensure that in Metropolitan Toronto we do not fall below the planning standard for active treatment beds available for active treatment purposes.

**Mr. Breaugh:** Supplementary, Mr. Speaker: Might I ask the minister if he is then rejecting their contention that he is already below that standard, and would this fall into the category of what the Ontario Medical Association referred to as a situation in which clinical brinkmanship is coming into play?

**Hon. Mr. Timbrell:** Mr. Speaker, I understand from those of my staff who were present that in their calculations they do not show, I believe it is, nonresident use. I said to them when the theory was first broached with me that certainly we would be concerned about that. That is why I asked to meet with HCMT and UTHA, as part of planning for the future to ensure that in Metro we do not fall below that planning standard, and at the same time we

ensure that we are meeting the ongoing needs for extended and chronic care.

**Mr. Conway:** Supplementary to the minister: Has the minister any knowledge of, has he expressed an opinion about, or is he concerned about the fact that large hospitals such as the Wellesley in Toronto and the Ottawa Civic are going into the summer planning to shut down a very substantial number of beds? Granted they've done this in the past, but is he concerned that, for example, the Wellesley will be closing, I believe, about 161 beds for the summer period? Is that of concern to him?

**Hon. Mr. Timbrell:** This is a practice that has gone on for as long as most can recall, to take account of the fact that in the summertime, first of all, doctors and nursing staff have to have their holidays; and as well to take account of the fact that for elective procedures, as often as not, it's difficult to get patients to take bookings in that time. As long as it is not putting life and limb at risk, it's a procedure which is an indication of good management of the resources.

**Mr. McClellan:** Since the minister is treating the matter of the impact of nonresident patients on the ratio as news; new information, can the minister tell us whether or not he received Dr. Hugh Smythe's calculations which were sent to him, according to Dr. Smythe in committee, on April 4? Secondly, why has the minister never bothered to respond to Dr. Smythe when he sent him that material some three months ago?

**Hon. Mr. Timbrell:** April 4, by my calculations, is a little over two months ago, but yes, they were received. As a matter of fact they were, I believe, referred to by me when I met with the joint planning group of the Hospital Council of Metropolitan Toronto and the University Teaching Hospitals Association.

**Mr. McClellan:** So you didn't just find out about it last week.

**Hon. Mr. Timbrell:** As well, I understood there had been a response sent from my ministry which apparently wasn't received. When I found that out last week when he appeared before your committee I asked somebody to check to see why and what had happened. I haven't had a report on that yet, but I understood we had at least acknowledged receipt of that. We have followed up with HCMT and UTHA, who are the planning bodies for hospitals in Metropolitan Toronto.

**Mr. McClellan:** Do you want to share that with us?



### ESSEX OPP DETACHMENT

**Mr. Ruston:** Mr. Speaker, I have a question for the Solicitor General. Is the Solicitor General aware that in the county of Essex 401 detachment, one shift has as few as two people on duty for the whole county of Essex?

**Hon. Mr. McMurtry:** No, I'm not, Mr. Speaker. I'd be happy to inquire into it if it's the wish of the honourable member.

**Mr. Ruston:** Supplementary: Is the minister aware that this detachment at one time had 64 on the staff and now it's down to 38 and it covers all the provincial highways in the county of Essex, plus about eight municipalities?

**Mr. S. Smith:** That is why you've been looking for more money. Right Roy?

**Hon. Mr. McMurtry:** Yes, that's one of the reasons. I'll certainly be very pleased to inquire into that matter and attempt to ascertain why what would appear to be a dramatic reduction, if the member's figures are correct, has taken place.

**Mr. Bradley:** They're all on the QEW harassing drivers.

### HANDICAPPED PERSONS' RIGHTS

**Mr. Laughren:** I have a question of the Minister of Labour. In view of the apparently final decision of the Sudbury Board of Education not to re-employ a first-year teacher who had diabetes and whose sight may deteriorate, has the Minister of Labour talked to the chairperson of the Sudbury Board of Education? Does he agree that the reason given by the Sudbury board, which is that the students had the right to the best teachers available and that that teacher must be in good physical and mental condition and so forth, was really a self-serving decision to save money just in case, in the years to come, there are sick benefits which would have to be paid to Mr. Morrissey if his sight does deteriorate?

**Hon. Mr. Elgie:** In answer to one part of the question, no, I have not spoken to the chairman. I understand the Minister of Education (Miss Stephenson) has had that matter looked into.

With regard to the individual question of Mr. Morrissey, it's difficult, as the member knows, to get into a discussion of an individual person's problem, because diabetic retinopathy, which is what Mr. Morrissey has, varies greatly from individual to individual and so I think it would be improper to try to assess his case individually. As a

general principle, I would agree with the member that protection for the physically handicapped, which would include someone with diabetic retinopathy, is an item which will be dealt with in the new code.

[3:00]

**Mr. Laughren:** I suspect the minister will agree with me that what the students will learn by the employment of someone who is handicapped, even if his or her condition does deteriorate, is that the value is much greater than can be measured by the saving of sick benefits to the board of education. I suspect the member for Hamilton West (Mr. S. Smith) raised this a week or so ago with him as well, but would the minister not bring forward recommendation 79 of the 1977 human rights report, A Life Together, which does just what the minister mentioned a moment ago? I suspect that all parties in this House would support it and I see no reason why he could not bring it in this week. Would the minister make that commitment so that we can get this problem dealt with and prevent it from recurring in the future as well?

**Hon. Mr. Elgie:** I want to make it very clear that we all have the same objective, that is, to get that particular amendment in place. As the member knows, it is part of a broader review of the code. That issue will be dealt with in legislation. Whether it will be dealt with this week is unlikely, but it certainly will be dealt with in this session in one way or another, and it will in particular refer to that matter of the handicapped.

**Mr. S. Smith:** Supplementary: Is the minister aware of situations where people are refused employment on the basis that the group disability insurance might not be willing to insure that particular individual because of a known disability and of perhaps greater propensity of likelihood of eventual long-term disability? If the minister is aware of this practice, will he take steps either to eradicate the practice or to arrange for people at the very least to have some pro-rata arrangement made regarding their insurability so that their lack of insurability doesn't turn into a lack of employability, doubling and trebling the hardship upon these individuals?

**Hon. Mr. Elgie:** I am well aware, as the honourable member is from his practice, of the fact that people with disabilities, including, for example, my own wife with a congenital disability, have great trouble getting insurance for that type of protection. Certainly that is an issue that will have to be dealt with as part of this whole business of giving the handicapped some protection under



the new Human Rights Code. I hope to be in the forefront in trying to give that kind of protection through the insurance portion of the industry that we are concerned about now.

**Mr. Laughren:** Would the minister tell us what he will do now to protect the job of Mr. Morrissey?

**Hon. Mr. Elgie:** It is interesting that the member wishes to pursue it, but I am telling him that it is impossible to introduce the code this week. As he knows, even if it were introduced this week, it couldn't be passed this week. But I would give him the assurance that a new code will be introduced to this Legislature, probably early in the fall. He has my undertaking on that.

**Mr. Laughren:** What will you do for Mr. Morrissey?

### SPECIAL EDUCATION

**Mr. Bradley:** I have a question for the Minister of Education. Is the minister satisfied with the level of funding being provided to regular schools for special programs and specialized training for teachers, in light of the fact that these schools are at present being asked to accept those who have been in institutions previously where the pupil-teacher ratio has been favourable, where there has been specialized training and where there have been special programs that have been fully funded? Is the minister satisfied that the schools to which they are now being sent have sufficient funding and availability of specialized teachers to handle this situation?

**Hon. Miss Stephenson:** The special education weighting factor can be applied in a number of ways by the school board when it requires that kind of special assistance within a school establishment. The board makes the decision about the most appropriate schools for those young people to attend if they are being transferred from other kinds of institutions into group homes and then into the educational system.

That process has been going on for several years and most of the boards are fairly expert in developing the appropriate kinds of arrangements. The special weighting factor for that educational program most certainly does apply to those as well. It depends upon the way in which the school boards utilize the funds, once they have been allocated from the ministry.

**Mr. Bradley:** Supplementary: Would the minister agree that unless, as she says, the school boards utilize those funds appropriately and unless those funds are in sufficient number, it would have a severely disruptive

effect on the regular classrooms, or classrooms where the mentally retarded are being educated in regular schools, having severely retarded individuals being sent to these schools where the teachers are not sufficiently trained or are not there in sufficient numbers to handle the situation they are being asked to handle? Would she not agree also that it would not really benefit those who are being taken from the institutions and placed in those classrooms?

**Hon. Miss Stephenson:** Mr. Speaker, the principle and the policy has always been that the equality of educational opportunity for those children with development handicaps is a reasonable alternative—in fact an effective and much-to-be-desired alternative—to institutionalization.

That principle I think has been accepted by a number of boards. They've also accepted the principle that this should be done without damage to the educational program for the students within the regular system. I think most boards are attempting diligently to ensure those two policies are carried out effectively. We're trying to support them as effectively as possible in that.

**Mr. Cooke:** Supplementary, Mr. Speaker: Is it not true that boards were already taking advantage of this weighting factor before the government started its massive deinstitutionalization? The government has in effect deinstitutionalized students but has not taken the money it has saved from this program and redistributed it to school boards, so there has not been an increase in funding to school boards to cope with these types of children.

**Hon. Miss Stephenson:** Mr. Speaker, the weighting factor depends specifically on the numbers of children within the programs within these school boards' jurisdiction. Indeed, there is a transfer.

**Mr. Cooke:** You know better than that.

### CO-PAYMENT FEES

**Mr. R. F. Johnston:** Mr. Speaker, I have a question of the Minister of Health. Is the minister aware that elderly people receiving Gains in this province and who have spouses in nursing homes are being asked to pay as much as \$80 a month out of their own pockets to supplement the fees paid by their spouses for nursing home care?

**Hon. Mr. Timbrell:** Mr. Speaker, the per diem rate is calculated on the basis of the maximum OAS/GIS/Gains income and then deducting from that the comfort allowance of \$51, to arrive at the amount of the co-payment.



If there are any particular problems where that formula is not working I would suspect it's probably in cases where individuals are eligible for but have not applied for GIS and/or Gains. If there are particular cases the honourable member would like to draw to my attention, I'd be glad to look into them. That's really all I can answer at this time.

**Mr. R. F. Johnston:** Supplementary: At least two cases have been brought to my attention that have included costs which have risen as high as \$390, which is well above the Gains limit. I would like to be assured that if that is the case around the province, amendments to the Nursing Homes Act would prohibit the nursing homes from billing these spouses for these costs.

**Hon. Mr. Timbrell:** Again, it's a little difficult to answer without some of the details. If the honourable member has them with him, if he would send them over to me, or if he would send them in a letter, I will investigate each one and get back to the member.

**Mr. Cooke:** When are you going to bring the amendments in? When do we get the amendments to the Nursing Homes Act?

#### ANNEX PLAN

**Mrs. Campbell:** Mr. Speaker, my question is to the Premier. Will the Premier ensure to the residents of the Annex, including the Elgin-Lowther residents, the payment of their costs in the sum of \$22,000 to successfully support their part two plan at the OMB? In view of the fact the cabinet has now returned that decision to the OMB, they require those costs to be able to once more try to protect their plan.

**Hon. Mr. Davis:** Mr. Speaker, I can't give that undertaking. I don't recall a precedent whereby we have paid costs for groups or individuals as a result of official plan discussions before the Ontario Municipal Board which may or may not have appeared before cabinet by way of appeal.

I understand the member's concern on behalf of her constituents, but I think she is also relatively experienced in these procedures and understands that for the government to start to pay costs for a particular party to any of these hearings would be a difficult precedent to live with, and in this case to establish. As I say, I understand her raising the question, but I am in no position to give such an undertaking.

**Mrs. Campbell:** A supplementary: Is the Premier not aware that under the previous administration there was provision and in fact some costs were allocated by the previous chairman for those who had to appear

before the Ontario Municipal Board? In this case, since the cabinet has intervened and not given reasons for the intervention, surely those people should be protected and not placed in a prejudiced position to try to protect their own plan.

**Hon. Mr. Davis:** Mr. Speaker, I think there is a distinction between what the board chairman may order or award and the request the member for St. George is making of the government, which is payment to this particular group of ratepayers for their costs. I think there is a distinction.

#### ASBESTOS WORKERS

**Mr. M. Davidson:** I have a question of the Minister of Labour. Can the minister explain why it is that the Workmen's Compensation Board has slowed down its program of allowing workers of the Johns-Manville plant, with proven cases of asbestosis or asbestos fibre dust effects, to come out of that plant and enter into the special rehabilitation assistance program, a program his predecessor described as being innovative and a leader in this area of the world?

**Hon. Mr. Elgie:** Mr. Speaker, I'm not certain that what the member says is true. I certainly have personally looked into the question of the special rehabilitation program.

**Mr. Wildman:** If the member says it, it is true.

**Hon. Mr. Elgie:** If the member has information that would lead me to believe it isn't being utilized at that Johns-Manville plant as it should be then I'd be pleased to have it.

**Mr. M. Davidson:** Given the last occasion a person was taken out of that plant was in November, 1978, is the minister not aware there are still 14 employees on partial disability pension resulting from asbestosis or dust effects working in that plant? Does he not feel that they should be removed from that environment as soon as possible? If he does feel that way, will he demand that the compensation board speed up rather than slow down the program of special assistance?

**Hon. Mr. Elgie:** Mr. Speaker, first of all I don't think there is any argument about the value of that program. I concur completely with it. If the member has information on those people he feels are being kept out of that program when they should be in it, if he will give it to me I'll look into it.



## LEARNING-DISABLED CHILDREN

**Mr. Sweeney:** I have a question of the Minister of Education, Mr. Speaker. Given the announcement by the minister approximately two weeks ago that the school boards of the province were informed by memorandum that they must, by September 1979, begin a program of early identification of learning disabilities; also given that such a program can only work if at least the teachers in kindergarten and grade one are properly trained to diagnose the kinds of problems we're looking for, what kinds of training programs have been prepared for the period between now and then to implement that?

**Hon. Miss Stephenson:** Mr. Speaker, the models of the early identification programs which have been established successfully in various areas of the province have been publicized to the various school boards. I would remind the honourable member that, indeed, the memorandum to the school boards directed that they must begin the implementation of a program which was to be complete by September 1980. The educational programs for teachers which will be functioning this summer will be ongoing during the winter as well.

I think it would be improper to suggest we are anticipating that teachers will make specific diagnoses. In the early identification program we don't particularly want to label children with anything. What we do want is that the school boards, and the teachers in the school system, are sensitive to the potential problems which children may have in the learning process. I think it would be a mistake if we were to suggest that teachers should be saying that this child has a specific kind of deficiency or problem or attach another kind of label to that child. Labelling does not really seem to help most of the children, but it certainly should help if the whole system becomes more sensitive to the needs of the individual child, particularly in the light of potential problems that child may have.

[3:15]

**Mr. Sweeney:** Is the minister aware that the vast bulk of primary teachers across the province are quite insecure about the role they are going to play in this new program? They simply do not understand it. What steps is the minister taking to correct this insecurity and to help them prepare, even if we are talking about a year or two years away rather than September 1979?

**Hon. Miss Stephenson:** I have had no indication from directors of education or from primary teachers' groups that there is any insecurity. Most of the teachers I have talked to, and certainly the directors of education and the boards, are enthusiastically in support of the development of this kind of program. If there is that kind of insecurity, we will be very happy to look at it and see what we can do to assist in removing it.

## NIAGARA OMB HEARINGS

**Mr. Swart:** Mr. Speaker, my question is to the Premier. Does the Premier recall that last February the Ontario Municipal Board announced its decision on the first half of the hearings on the Niagara food lands? Is he aware that the developers and at least one municipality have used every means at their disposal, including appeals to the OMB, appeals to the courts and an appeal to the cabinet, to upset that decision?

Now that the OMB has adjourned the hearings on the second half until those appeals to the OMB and the courts are cleared up—because everyone agrees that the final determination on the first half is so fundamental to the hearings on the second half—what possible reason is there for the deliberate delay in the ruling on the appeal to the cabinet until after the hearings on the second half are completed?

**Hon. Mr. Davis:** Mr. Speaker, I am just trying to trace the chronology of this. Is the member suggesting we are deliberately delaying the appeals on the first half?

**Mr. Swart:** The appeal to the cabinet.

**Hon. Mr. Davis:** We are not deliberately delaying anything.

**Mr. Swart:** May I read to the Premier the letter sent out by the secretary of the cabinet, which states: "I have been directed by the cabinet to inform you it has been decided that no decision will be made with respect to the petition mentioned above until after a decision has been pronounced by the Ontario Municipal Board, following the hearing with respect to the official plan for the Niagara planning area. This hearing has been fixed for June 4." June 4 was the start of the second hearings. May I ask the Premier—

**Hon. Mr. Davis:** Just a second. I said there was no deliberate delay. It has been deferred, and there is a very real distinction.

**Mr. Swart:** If I may complete my supplementary: Does the Premier not realize that the second phase of the hearings will cost between \$500,000 and \$750,000, and does he



know it is the taxpayers of the Niagara region who will have to pay most of that?

Does he not understand that if he rules on the appeal, and if there is a policy decision by the cabinet before the second hearings start, a base could be established that might cut those costs at least in half? Now that the hearings have been postponed until at least July 15, to get these decisions from the courts and the OMB, will the cabinet reconsider and make a ruling on the appeal to the cabinet as soon as the courts have decided?

**Hon. Mr. Davis:** After listening to that lengthy dissertation, which may or may not have contained a question, my guess is that my answer would be the same: My answer would be no.

#### USE OF HERBICIDES AND PESTICIDES

**Mr. Riddell:** Mr. Speaker, a question to the Premier: Would he convey to the Minister of the Environment (Mr. Parrott), who I trust will be back tomorrow, that despite what has been said about the banning of 2,4-D in school yards, 2,4-D plays a most important role in the food production process—in other words, the discovery of 2,4-D to the farmers is almost equivalent to the discovery of penicillin to us, the general public—and that before the minister has any thought of banning 2,4-D he must consult with the agricultural industry?

**Hon. Mr. Davis:** Mr. Speaker, I can only say to the honourable member, where was he last week? Why did he sit there in abject silence when this issue was being debated? Why did he not get up and have the courage, as he has today when the television cameras are no longer on, to say how essential 2,4-D is to the agricultural community in this province? Why doesn't the member talk to his leader about it?

I will certainly convey that to the Minister of the Environment because I am delighted to hear somebody opposite for once say something important on this issue.

**Mr. S. Smith:** On a matter of privilege, if I might, because there was some allegation made about the courage of the member, I would remind the Premier, who may not have been in the House, that the member for Kent-Elgin (Mr. McGuigan) rose to explain that 2,4-D had a very valid use in agriculture and encouraged that use in agriculture. However, he pointed out something of which the Premier apparently is unaware, that there is a difference between spraying crops and spraying children in school yards.

**Hon. Mr. Davis:** On that matter of privilege, Mr. Speaker, I recall the member talking about corn and the fact that he was spraying 2,4-D on corn. I recall it well. I also recall the member for Huron-Middlesex sitting there, I think sending notes back and forth. I am just really congratulating him on standing up today and speaking out on behalf of the agricultural community.

**Mr. Cassidy:** Since our questions were devoted to the question of spraying school yards where children could be exposed and not the question of agriculture at all, will the Premier join in our request to the Minister of the Environment that he stop the spraying of 2,4-D in school yards until they can establish just what the health hazards to school kids are because of this spraying?

**Hon. Mr. Davis:** I think the Minister of the Environment has dealt with the subject very well, and extensively—

**Mr. Martel:** Badly is the word.

**Hon. Mr. Davis:** Oh no; the member for Sudbury East doesn't know what that word means.

I can't add anything to what the Minister of the Environment has so effectively discussed here with the members of the House on this very important issue.

**Mr. B. Newman:** Supplementary: Last week I asked the Premier about the emulsifier that was used in the spraying of the chemical. The Minister of the Environment still has not answered that question. There is great concern that the emulsifier, or the vehicle with which 2,4-D is combined, can have a serious detrimental effect on the youngsters, possibly causing Reyes syndrome. Will the Premier ask the minister to reply to that question please?

**Hon. Mr. Davis:** In that some members opposite obviously want to eat up some of the clock I will endeavour to answer that question.

I recall very well the member for Windsor-Walkerville asking the Minister of the Environment this question. I would be quite prepared, when the Minister of the Environment returns from his appearances in London, to have him seek out an answer for the member for Windsor-Walkerville. The member himself could have quite easily sent him a note on Friday to remind him, but I would be delighted to convey this message.

If there are any other messages for the Minister of the Environment, I would be delighted to communicate them on behalf of any member opposite.



## CO-PAYMENT FEES

**Mr. Isaacs:** I have a question for the Provincial Secretary for Social Development. What does the minister intend to do to relieve the extreme hardship faced by chronic-care patients who are confined to hospitals and confined to wheelchairs, and who face the almost total elimination of their freedom and enjoyment of life as a result of the government's \$9.80 per day, or \$3,577.00 a year co-payment charge?

**Hon. Mrs. Birch:** Mr. Speaker, I think the honourable member is taking a great degree of licence in assuming those numbers of patients in chronic care are being disadvantaged. There are in fact cases where some are undergoing hardship. Those cases are under review and will be dealt with. There is no intention on the part of this government that anyone in a chronic-care facility undergo any undue hardship.

**Mr. Isaacs:** Supplementary: I believe the provincial secretary is aware of the situation facing patients in Chedoke Hospital in Hamilton. Is she also aware that her colleague, the Minister of Health (Mr. Timbrell), told this House on March 12 that he would take a look at this problem and see what could be done to help those people, and that nothing has been done to help them to date?

Could the minister give us more than light assurances and indicate exactly what those people can expect to relieve them of the hardships that they are facing today?

**Hon. Mrs. Birch:** Mr. Speaker, through you to the honourable member: At the invitation of the Leader of the Opposition I did attend with him in Hamilton what was supposed to have been a private visit between the Leader of the Opposition, the people who are handicapped and who are facing difficulties and myself. It turned out to be an attempt to use those people politically. I was very distressed with the press being called in and the television interview set up; however, I can assure the honourable member I will be in touch with those people in the chronic-care facility and all of the needs and the concerns expressed to us that day will be dealt with.

**Mr. S. Smith:** On a point of privilege Mr. Speaker: I am amazed the minister would say this. Does the minister not recall that in this House, quite publicly when we were discussing this very matter about the wheelchair patients she took one view about it, and I another? I invited her to come to Chedoke. After many phone calls back and

forth she finally hit on a Sunday when she could come. I then rearranged my schedule so I could accompany her. All that happened there was this matter, which was a public matter, resulted in one reporter from the Hamilton Spectator being present and one reporter from station CHCH-TV.

I do not understand why the minister would say this was some kind of political trick or they were being used for political purposes. I invited her publicly in this House. She came. The other half of the deal, in fact, was I would go with her to some senior citizens' establishment to see some who are happy with their circumstances. That was the deal in the House, and I stand ready to accept that. I deeply resent the notion there was any kind of trickery involved or any sort of undue publicity when the matter was a perfectly public matter right from the word go.

**Mr. Havrot:** You should apologize.

**Hon. Mrs. Birch:** On a point of order: The honourable member did invite me publicly to attend a meeting. My office immediately contacted his office and unfortunately, it was not convenient for the honourable member. Finally it was arranged on a Friday afternoon that it would be on that particular Sunday afternoon. The notes we have between our two offices were that it was to be a private visit. I was to be given the opportunity to speak with those handicapped people who were undergoing difficulties with the co-payments and there would be a tour of the hospital for me to see what was happening there. I arrived at about a quarter to five and I was met at the door by the honourable Leader of the Opposition who was accompanied by a television cameraman. I was taken into a room that was already set up with the wheelchair people and I was to sit at the head table.

**Mr. Yakabuski:** You were set up.

**Hon. Mrs. Birch:** I was set up, Mr. Speaker.

**Mr. Cassidy:** If you can't stand the heat, don't stay in the kitchen.

**Mr. Breaugh:** What a despicable thing to hear.

**Hon. Mrs. Birch:** Maybe I am naive, but I still find it very offensive.

Interjections.

**Mr. Speaker:** Order!

**Hon. Mrs. Birch:** I find it very offensive, when handicapped people are exploited. I went there to hear what they had to say, I can assure members that many of them



didn't speak to me because they didn't want to speak publicly about the problems they were encountering.

**Hon. Mr. Timbrell:** On a point of order: I just want to point out to the members of the House that I have before me, as a result of earlier questions asked here and as a result of my colleague's visit to Chedoke, a draft memorandum to administrators of chronic-care hospitals and chronic-care units to address this particular issue.

I've been particularly assisted by the observations of my honourable colleague.

**Mr. S. Smith:** May I have a copy of it?

**Hon. Mr. Timbrell:** When it's finalized, yes, sure.

**Mr. Speaker:** The time for oral questions has expired.

## PETITION

### GEORGIAN BAY ARCHIPELAGO

**Mr. Rotenberg:** Mr. Speaker, I have a petition signed by 1,036 residents of the Georgian Bay Archipelago area. It is addressed to the members of the Legislature in connection with the debate on Bill 100 regarding the establishment of the Georgian Bay Archipelago township and municipality debated in the Ontario Legislature on Friday June 15, 1979.

"We wish to emphatically indicate our strong support of the creation of a single municipality rather than two separate entities. We also wish to have the first reeve of the township selected by the elected councillors from amongst themselves. A single municipality can best protect the unique environment of this area and provide effective and efficient local government."

I submit this from 1,036 people, plus the endorsement of all of the ratepayer groups in the area.

[3:30]

## REPORT

### STANDING MEMBERS' SERVICES COMMITTEE

Mrs. Campbell from the standing members' services committee presented the following report and moved its adoption:

Your committee recommends that standardized procedures be established by the government to ensure that the Legislative Library receive automatically and as soon as possible after publication two copies of all published research, public briefs and submissions, published back-up documentation and published reports of commissions of inquiry related to the government of Ontario.

**Mrs. Campbell:** We did table a report from the committee on May 31. At that time the wording of it created some ambiguity in the mind of the archivist. This report is simply to clarify that particular report. I will move the adjournment of the debate but I hope it won't be until 1980.

On motion by Mrs. Campbell the debate was adjourned.

## MOTION

### SITTINGS OF HOUSE

Hon. Mr. Welch moved that on Thursday, June 21 the House will meet at 10 a.m., with a luncheon interval from 1 to 2 p.m. and with routine proceedings being called at 2 p.m.

Motion agreed to.

## INTRODUCTION OF BILLS

### POLICE AMENDMENT ACT

Hon. Mr. McMurtry moved first reading of Bill 135, An Act to amend the Police Act.

**Hon. Mr. McMurtry:** The purpose of the bill is to remove the requirement that one member of the board of commissioners of police be a county or district court judge. The bill implements the resolution of the honourable member for Chatham-Kent (Mr. Watson), which was adopted by this House on May 10, 1979.

### MUNICIPAL AMENDMENT ACT

Mr. Wildman moved first reading of Bill 137, An Act to amend the Municipal Act.

Motion agreed to.

**Mr. Wildman:** The purpose of this bill is to provide for the separate taxation of mobile home park operators and mobile home owners. Where a mobile home is assessed and taxed by a municipality, the tax collector must send a tax notice to the mobile home owner, indicating the amount of tax to be paid in respect of the assessed property. Any taxes due in respect of an assessed mobile home constitute a lien on the mobile home rather than against the land of the owner of the mobile home park.

### EDUCATION AMENDMENT ACT

Mr. Wildman moved first reading of Bill 138, An Act to amend the Education Act, 1974.

Motion agreed to.

**Mr. Wildman:** Mr. Speaker, the purpose of this bill is the same as the previous one amending the Municipal Act, only to apply to education taxation in unorganized areas of northern Ontario.



### LEGISLATIVE ASSEMBLY AMENDMENT ACT

Hon. Mr. Welch moved first reading of Bill 139, An Act to amend the Legislative Assembly Act.

Motion agreed to.

Hon. Mr. Welch: Mr. Speaker, this bill gives effect to the recommendations in the June 14 report of the commission on election contributions and expenses with respect to indemnities and allowances of members of the Legislative Assembly pursuant to section 70a of the Legislative Assembly Act. In addition, the bill makes interim adjustments to indemnities which were not resolved in the commission's report, except for the question of per diem payments which is being left entirely to the commission for further study as they requested.

In a moment I shall introduce the usual companion bill to amend the Executive Council Act by providing for the same uniform interim adjustments as in the first bill.

### EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Welch moved first reading of Bill 140, An Act to amend the Executive Council Act.

Motion agreed to.

### ANSWERS TO QUESTIONS ON NOTICE PAPER

Hon. Mr. Welch: Mr. Speaker, I wish to table the answers to questions 225 and 226 and the interim answers to questions 222, 223, 224, 227 and 235 standing on the Notice Paper.

[Later (6:00)]

Hon. Mr. Maeck: Mr. Speaker, I am tabling the answers to questions 228 to 234 standing on the Notice Paper.

(See appendix, page 3029.)

### ORDERS OF THE DAY

House in committee of the whole.

### DISTRICT OF PARRY SOUND LOCAL GOVERNMENT ACT

Consideration of Bill 100, An Act respecting Local Government in the District of Parry Sound.

Mr. Chairman: Are there any comments, questions or amendments on any section of this bill?

Mr. Rotenberg: Mr. Chairman, you will recall at the end of second reading on

Friday last that I dispensed with my closing remarks, indicating I would make some brief remarks at the beginning of the committee of the whole so that we could have second reading on Friday afternoon. With your indulgence I would like to take just a few minutes to review some of the points that were raised on second reading.

Members of the Liberal Party particularly indicated they would be putting some amendments. I will deal with those in detail when we get to that section of the act, but I would like to thank all the members opposite for their support of the act in general and for their support of the principle of the bill.

The member for Waterloo North (Mr. Epp) did raise a point about a lack of consultation, the fact that some residents in the area had asked for a public meeting and that public meeting was not forthcoming. I would indicate to the members of the House this request for a meeting came after a considerable number of meetings were held in the area. A number of people had signed a petition asking for a meeting but included in their petition a number of doubts they had about the bill. Before deciding whether or not to have the meeting, these points were answered by our staff person, Mr. Roger Warner, who has been dealing with this area for some two years and who visited a number of these people personally. We also sent them all a letter answering the points they had raised and the request for a meeting and saying if after reading the letter there were further problems, they should consult us again. Having heard nothing more from those people we felt there was no need to have a further meeting because the points they had raised had been answered by letter and answered by our staff person.

I would also say to the member for Wentworth (Mr. Isaacs), who indicated some lack of a consultation, that there was intense consultation—this going back five or six years—with the people of the area and many meetings over the past several years with Mr. Warner of our staff. There was a lot of consultation, before the introduction of the bill, with all the residents, both permanent and seasonal.

Now, of course, on any bill you don't have the unanimous consent of everybody in the area to everything in the bill. But I would point out that a vast majority of the matters in this bill have the consent of almost everybody and there's no one there who's really unhappy with the bill, except



for the possible amendment which will be raised this afternoon.

The member for Wentworth did raise a very legitimate question on Friday afternoon. He indicated there was nothing in the bill about the grants which would be paid to the new municipalities. That was not put in the bill because all of the grants are laid out in other pieces of legislation.

I think the member is correct in that possibly that matter should have been raised in the House, and I do apologize to him. I'd like to take a moment or two to indicate to the House the level of grants which will be forthcoming to the new municipalities which will be organized in Parry Sound.

Firstly, the Ministry of Transportation and Communications provides subsidies for roads and maintenance. These will be continued. Townships will be subsidized at the rate of 80 per cent, both the new town of Kearney and the new township of Georgian Bay Archipelago. I would draw the attention of the House to the fact that Kearney now being a town receives only a 50 per cent subsidy, but under the reconstructed municipality, the new township, they will receive the full 80 per cent.

Secondly, both townships will receive the Ontario unconditional grants. These consolidations of all the unorganized areas will specifically benefit from those grants, since as the areas are now presently unincorporated, they are not eligible for grants under this program. These grants include a per capita grant, a general support grant, a northern support grant, as well as a resource equalization grant.

The per capita grant amounts to about \$7 per resident and includes a consideration of seasonal residents.

The general support grant is related to the municipal tax levy. Each municipality in Ontario receives a general support grant amounting to six per cent of its levy for local purposes.

Municipalities in northern Ontario are eligible for the general northern support grant. This provides an additional subsidy of 18 per cent to the levy for local purposes.

The resource equalization grant is paid to all municipalities who suffer from a "resource deficiency," measured in terms of equalized assessment. Again, this grant provides a subsidy that is related to the levy for local purposes; the maximum rate is 25 per cent.

All of these grants put together are now in present legislation and did not have to be included in this bill. Through this grant program a municipality could conceivably qualify for a subsidy of up to 49 per cent of its levy

for municipal purposes. In fact, it is estimated both Kearney and the archipelago will receive close to the maximum level of assistance.

In addition, each area will receive the per capita grant paid in respect of its substantial seasonal population. To be specific, it is estimated that Kearney will receive an increase of about 85 per cent or \$15,000 in entitlements under the program and the township of Georgian Bay Archipelago will receive an amount of about \$65,000.

I put this on the record because the member for Wentworth quite properly asked about it and I think it should be noted. It is not required to be in the legislation because all of these grants are covered by present legislation, all of which will apply, and there will be transitional grants. In the bill it's indicated that the province will pay for the first elections.

I hope this covers all of the points raised by the member for Wentworth.

There's just one other point which I will deal with more fully when we get to the clause by clause, but as you noted, Mr. Chairman, I did file a petition earlier today from the majority of people in the Georgian Bay Archipelago who noted on Friday there's an indication there would be an amendment made that the Georgian Bay Archipelago would not be one municipality, as all the residents want; there will be two municipalities. [3:45]

Although I will go into more detail a little later on about this petition, I'd simply like to say to the members opposite that both parties have from time to time and almost at all times preached the philosophy of local autonomy. In this particular situation, yes, there are some reasons why it should be two; there are some reasons why it should be one. I do not think there are any reasons that it should be two municipalities that would override the fact that the vast majority of the people who have been consulted over the past two years have opted at all times for one municipality, and that from roughly Friday evening, when they were aware of the notice of motion in the House, until Sunday afternoon, some two thirds of the households in the area signed in favour of keeping it as one municipality.

Whether or not they bring this amendment forward, I hope the members opposite will realize that if they do bring in the amendment and vote for it they will be doing that in the face of the vast majority of the people there who want it the other way. The reason there are only about two thirds of the house-



holds represented in the petition is simply that there were only 48 hours to gather signatures. Had they been given another few days, I am sure that many more people would have been able to sign this petition.

With those few remarks, I suggest that we go on to clause-by-clause consideration, and I will deal with any amendments as they come up in far more detail.

Section 1 agreed to.

On section 2:

**Mr. Chairman:** Mr. Epp moves that section 2 of the bill be struck out and the following substituted therefor:

"2. In this part 'township' means the township of Georgian Bay North Archipelago as constituted under section 3 or the township of Georgian Bay South Archipelago as constituted under section 3(a)."

**Mr. Epp:** Mr. Chairman, without belabouring this archipelago subject too long, I do want to reiterate just briefly the position I took on Friday. I thought it was the right position then, and I have no reason to believe at this time that it is the wrong position.

Essentially what we have here is a series of islands and some of the mainland, bisected in the centre by at least two or three other municipalities, including Parry Sound and Carling township. I do not think that it is very rational or very logical to have this one municipality made up of two parts, bisected in the centre by other municipalities, and to maintain that that is a logical extension.

In the future, if it does come about that all the people who are in the archipelago wish to have one large municipality, I suppose we might have to look at that again, but that is not the proposal before us.

The other thing is that we genuinely feel that the spirit of co-operation can prevail much better if there is a division here rather than a feeling of threat, whether that is legitimate or not. I am not a psychiatrist or one of those people who can read all kinds of minds, but there is a genuine feeling by many of the people on the mainland who live in some of the other municipalities that some kind of threat exists here if we have one large archipelago municipality.

As far as the new municipality is concerned, we feel it should be two; this will better serve not only the archipelago but also the whole area. In the future, if it should come that we want one large municipality, that can be determined at that time.

I want to comment just briefly about the petition that we have here. I commend the people for having the petition, but I think it must be reiterated—and the member for

Wilson Heights indicated one or two or three times that this was a majority of the people, and then some other times he changed it by saying it was a majority of the people who signed. I do not disagree with the fact that it could have been a majority of the people who signed, but if 1,000 signatures are a majority of the people in the archipelago then we have been misled by a number of sources. I thought the population of the whole archipelago was closer to about 7,000 than 1,000; a majority then would be about 3,500. I think the parliamentary assistant to the minister owes us an explanation of that.

The other thing is, I told him earlier with respect to this particular petition that I would like to have some evidence that these people signing the petition were given an explanation of our views as we explained on Friday. He couldn't give us any commitment that our views, as we explained them in the Legislature the other day, were put forth to the people in the archipelago; in other words, that they could see the other side of the story and not only one side.

I've served on municipal council on many occasions over nine and a half years and we've found that in signing a petition not everybody gets a full explanation of the pros and cons before they sign. I would like some kind of confirmation or some kind of statement by the parliamentary assistant that this took place, that both sides were presented. I hope he can give us that.

**Mr. Isaacs:** Mr. Chairman, during the weekend I had the opportunity to speak to a number of people who live in the district of Parry Sound, especially in the western portion, the subject of this amendment. I have to say to the parliamentary assistant that that has reinforced my view that there has been very poor communication and very poor consultation with the people of the area with regard to Bill 100 that is before us now.

I had a total of 28 telephone conversations with people who are either permanent residents or seasonal residents in that area. Of those 28, 20 thought the bill that was before us provided for a single archipelago municipality encompassing all the islands, including the islands offshore of Carling township.

I have to say to the parliamentary assistant that if the proposal that was before us now was to do that, our views on it would be very different from our views on the bill that is before us.

There's no doubt in my mind that there is considerable confusion in the archipelago as to what's going on with regard to local government. I've checked as quickly as I could



the petition that has been presented to us, and some of those who signed the petition were people I had spoken to, and they thought that a single municipality meant one municipality stretching all the way down the islands. I really don't think we can say that the people who are involved in this have been adequately informed.

I'm not at all convinced that priority has been put on trying to come to a conclusion which satisfies as best as possible the majority of people in the western part of the Parry Sound district. The motion that is before us talks about splitting the already-divided municipality into two separate municipalities. I regret that it also changes the size of the council from 10 members to six, but we can live with that.

The amendment will provide the people of the two parts of the Georgian Bay Archipelago municipality with the right to decide for themselves, in consultation with the residents and local councillors in Carling and other townships, the best way to organize the provision of services for the whole of the archipelago.

The parliamentary assistant mentioned that he has had no objections to the single municipality concept. I wanted to say to him that perhaps that too reflects poor communication, because I have communicated with a number of people who live in Carling township, both seasonal residents and permanent residents, and they oppose the single municipality and support the divided, two municipalities.

For the parliamentary assistant to say local autonomy is all very well—and he knows full well that we in this party do believe in local autonomy—but I want to say to him that what goes on on neighbouring lands is very important to the people who live in an area. If an industrial development were to take place next to your home, Mr. Chairman, or next to my home, we would want a say in that industrial development—for, against or how. That is why we have provisions that allow people who live in neighbouring lands to have input into planning decisions. I suggest this is a planning decision.

I also want to touch briefly on some of the points that have been made in the conversations I've had with residents of the area. One concern relates to the possibility of two municipalities being more expensive, and therefore higher taxes resulting than in a single municipality. That's a legitimate concern. It is one that I very much hope does not come about and need not come about because the two councils can co-operate in any way they wish and can come together for the provision of services under the Municipal Act in order

to provide services at the lowest possible cost to all the residents of the archipelago, and in particular to the residents of that part of the archipelago who are not subject to normal services because their only access is by water.

The studies that have been done by the former Ministry of Treasury, Economics and Intergovernmental Affairs, studies that were provided to us by a number of people who have been involved in this over the years, indicate that not only would the two municipalities that are being proposed in the amendment be separately viable, but that smaller units would also be viable. Therefore I have to assume that the viability of the two areas is not a question within this amendment.

There have been concerns about planning aspects and about the future need to preserve the archipelago. I fully support those concerns. I submit to the parliamentary assistant that to see indiscriminate development taking place in any part of the 30,000 islands, be it the part that is in Carling township or the part that is in the one or two archipelago municipalities, would be very undesirable.

I want to suggest further that it may well be that development can be better controlled by having two councils speaking with a single voice to oppose development applications that are undoubtedly going to come before that area than it would be to have one. If the concern is preservation of the environment, and I believe from the conversations I had, that that is the concern and a laudable concern, then the more people involved in making the decisions, in setting the rules and in keeping an eye on what's going on in the area, the better for the welfare of the citizens of the area and for the preservation of that part of this beautiful province.

I really don't feel the concerns that are being raised are based on a full understanding of the facts. The concern for the wishes of the people of Carling township is certainly a valid one, but it's not the only one. Unfortunately, we're not being presented with a bill that can be amended to set up a series of municipalities that might even better represent the wishes of the people of the islands and the shoreline to this House and to the rest of the province; instead we have to make do with making boundary changes as best we can to what is before us, to a proposal that in my view has not necessarily been rammed down the throats of the people of that area, but which certainly has been presented to them as a single option and not as one of very many options such as exist in reality.

We will be supporting the amendment. We don't regard it as the final answer. We hope



when problems arise in that area, as they will whatever the final structure, that the government will be prepared to introduce legislation to overcome those problems.

[4:00]

Finally I want to say that I believe the parliamentary assistant mentioned transitional grants without giving an indication of their amount. I'm confused as to whether the people of the archipelago municipalities and the other municipalities in the district can expect special transitional grants, special grants that are not provided for in legislation at the present time, or whether they will have to make do with the Ministry of Transportation and Communications grants and the other grants that are provided to every municipality.

I particularly ask about that because I am concerned there may be a tendency, especially if this amendment fails—and I very much hope the amendment will not fail—for tax dollars from the southern part of the archipelago municipality to go for the provision of services in the northern part. I could not support that under any circumstances. As the matter of grants was raised in the parliamentary assistant's opening remarks, I hope, Mr. Chairman, that he will see fit and that you will permit him, to respond once again on that very important matter of transitional grants to meet the undoubtedly excessive start-up costs the municipalities in the area will face.

**Mr. Rotenberg:** Mr. Chairman, to deal briefly with the last point raised by the member for Wentworth, no definite amount of transitional grant has yet been decided. It will depend on the expenses of the two townships, that is Kearney and Georgian Bay Archipelago, when they start up. Transitional grants are available for the hiring of initial staff, securing accommodation and facilities, getting an official plan going and so on.

Transitional grants are available. Unlike the other grants the amounts are not set in legislation. We will simply decide on the amount of the transitional grants when the townships are going and when the budgetary problems are known.

To deal with the matter at hand, that is the one or two municipalities—and I would point out that there are a number of other amendments to the bill today but we, on this side of the House, consider this by far the most important—we consider this amendment one that changes the whole concept of the bill and we feel it is a very serious amendment. We would certainly ask

members opposite to reconsider supporting this amendment.

There are some problems in having two municipalities. There are, in total, exactly—well I shouldn't say "exactly," I should say "about," because population figures aren't exact—about 450 permanent residents in the two parts of the municipality. There will be about 300 in the northern section and 150 in the southern section. We really question whether or not that is a sufficient number of permanent residents to have a viable municipality.

In the past it was the attitude in Ontario to set up very small municipalities at every little junction, every post office and every corner. The 20th century feeling is that as municipalities become more sophisticated and require more services, more expertise, more engineering, planning and so on, a municipality should have a sufficient population and assessment base in order to be able to provide for those services and to provide reasonable staff, and in order to give the people of that municipality the services, staff and advice they deserve.

There is a communal interest, despite the fact that there is some water, and yes some land, between these two communities. There is certainly very much a communal interest between the two units. That is why a single unit was created, because the people are essentially cottagers and permanent residents who make their living from the recreation industry. There is a common bond to protect the Georgian Bay environment, to promote the cottage and recreation industry. Attempts to divide this community I think would frustrate the wishes of the people, the wishes of the cottagers and the wishes of the permanent residents.

A great deal has been made of the physical discontinuity, the fact that the northern and southern sections have the township of Carling in between, but it is no greater than the physical distance separating parts of these municipalities alone. These are both very much water-based municipalities. If you go from a point in the southern part of the archipelago municipality on the west over to the east, it is just as far by water as if you went from the south to the north. The vast majority of people in both municipalities get to their homes, their cottages, their permanent residences by water. What is the difference if you go by water around Carling or if you go by water through your own municipality?

Much was made the other day, but not today, about the fact that the Parry Sound study originally recommended two separate



municipalities. This was part of a total package of recommendations, because the key to the original Parry Sound study was that Parry Sound district would be divided into two planning districts, east and west. This would give power to the western planning district. You would have one planning authority. If there was one planning authority for the northern and southern parts of the archipelago, plus Carling, plus Parry Sound, plus the other townships, then it might make a little bit of sense to have a smaller local area. It would be almost a two-tier system of government; not two-tiered in the way of Metro or some of the other regions but certainly a two-tier planning district.

In some of the early initial meetings a two-tier system of regional government was rejected by the people pretty well out of hand. The government, in its wisdom, abandoned the idea of a two-tier system because the people up there simply wouldn't go for regional planning; therefore the idea of two municipalities as raised by the official study really falls by the board because the corollaries to that just aren't present in the bill.

The proposed municipality is a water-based recreation community requiring limited physical services but with great need for activity in planning and environmental protection. There is need for municipal government throughout the area, illustrated by the activities of the Georgian Bay Association which is really the unofficial municipal government so far. It is their intention, and I think our intention, to bring all the area into some form of organized municipal government. The association now provides such services as fire fighting, garbage sites—with the assistance of the Ministry of Natural Resources—emergency communications and rescue, community centres and water quality testing. All these are now provided by the association, but they can be much better provided by a viable municipality, not by two very small municipalities. They are provided now by one association on a co-operative basis.

The member for Waterloo North has said there should be two separate townships. He mentioned there can be co-operation but that people—I think he referred to the people of Carling—feel threatened. I don't know why they would feel they were threatened. If they felt there was some reason this archipelago would absorb them, if they felt the provincial government was going to force them into a union which they didn't want, then it would have already happened.

This government has taken the stand, quite frankly, that we are not going to force people into a marriage they don't want, there will not be shot-gun weddings. If the people of Carling do not want to go in with the archipelago we are not going to force them into the archipelago, either now or later. This feeling of threat, I think, is a red herring. What the people in Carling township are really saying, I think, is keep it as two municipalities and then it will be much easier for Carling to absorb the two parts of the archipelago, one at a time, rather than being able to absorb a larger municipality.

Who knows if this feeling of threat is there or not? It can't be substantiated. Is that more important than the feeling, put in writing by over 1,000 householders in the two parts of the archipelago, who said very plainly, "No, we do not want two municipalities; we want to be one"?

**Mr. Bradley:** You have a short memory over there. Remember Niagara?

**Mr. Rotenberg:** Oh I remember Niagara.

**Mr. Bradley:** Our fears are based on the experience in Niagara.

**Mr. Rotenberg:** The member for Wentworth talked to 28 people over the weekend, I am sure. Twenty of them were a bit confused as to which islands were going in and which islands weren't going in.

**Mr. Kerrio:** Bigger is not necessarily better.

**Mr. Rotenberg:** What he didn't tell us was how many of those 20 people said yes, they wanted two municipalities. Reading between the lines of his remarks, I gathered they wanted one municipality but he feels some of them didn't have the total facts.

**Mr. Bradley:** Is this regional government with another name?

**Mr. Rotenberg:** I speak particularly to my two critics who are here this afternoon, each of us having service on municipal council. We all know it is difficult at all times, no matter how many times you explain, no matter how many public meetings you have, no matter how many information books you send out, to explain all the time, to all the people, all the facts. People do skim read, people only hear what they want to hear, people forget. It is human nature, it happens all the time in every government.

**Mr. Epp:** What you are saying, then, is that this petition may not be exactly legitimate?

**Mr. Rotenberg:** Sometimes people forget what they have been told between the time they talk to the government representative



and the time they talk to the member for Wentworth.

**Mr. Kerrio:** That's not how my people operate.

**Mr. Rotenberg:** The member for Waterloo North did raise a problem about the petition.

**Mr. Breithaupt:** You certainly had a busy weekend up there.

**Mr. Rotenberg:** Yes, they had a busy weekend up there. It shows the people up there are serious about having local government. When I talked about a majority, remember this was signed by adults and although there are places where more than one person per household signed it was basically to get one signature per household.

**Mr. Bradley:** It is very difficult to get people to sign petitions too.

**Mr. Rotenberg:** I would point out to the member for Waterloo North there are 1,563 households in the area representing approximately 5,000 people. When I indicated a majority, we had 1,036 households out of 1,563. I will say that among the 1,036 signatures maybe two from one household, there may be 50 or 100 that are duplicated in that fashion, but certainly far and away a majority of the households in the area have signed. Many of those who went around collecting the petition asked for only one signature per household. They didn't get the husband and wife and certainly did not get the children to sign.

**Mr. Isaacs:** Did you organize it?

**Mr. Rotenberg:** I helped to organize it and I'm proud of the fact that I did.

Interjections.

**Mr. Rotenberg:** After the second reading debate on Friday, I spoke to the head of the Georgian Bay association and said to him: "Look, there has been some question raised in the House as to whether it should be one municipality or two." I spoke specifically and privately to the member for Wentworth and indicated to him that the majority of the people in the area wanted one municipality.

Standing just outside this chamber at about 1:10 p.m. or 1:15 p.m. on Friday, he said to me: "Have you any evidence as to the fact that this is what the people want?" I said: "I haven't at the moment, but I will get it for you." Basically to get the information for the members of the New Democratic Party, who are usually sensible when it comes to the majority of the people and local autonomy, I did say to the president of the association: "Look, we need some evidence that the people up in your area do want a municipality." What I really anticipated was a

resolution from the six associations. He went much farther than that and went out and got the petition.

I'd like just to read this to you from the South Channel Ratepayers Association which came up with 267 signatures: "In an effort to give everyone in the South Channel area an opportunity to express their point of view concerning this important issue, we visited every cottage on June 16. Unfortunately many people were not at their cottage on this particular weekend." That's why they didn't get more people than they could have otherwise.

The Sans Souci and Copperhead association said: "In order to stress the support of our constituency, we have contacted as many of the residents of the area as was possible in the less than 48 hours available. We found overwhelming support for legislation creating a single archipelago municipality. We enclose signed petitions from over 300 residents to the members of the Ontario Legislature in evidence of this. Many of these signatures"—and this is the point I wish to make to the member for Waterloo North because he is talking about majorities—"represent the support of entire families whose other members were not immediately available." They went after one per household.

I think that covers the points raised. I really have heard nothing from the other side of the House as to what is wrong with having the township in two parts. I have heard nothing, really, of any substance. I wonder whether members opposite, having gone over the bill—which is a very good bill, as they themselves have said—and having talked to the residents of the area and said to them—because it's been reported back that they did so—"What's wrong with the bill?"; having done all that they have now found out that the association up there told both parties that there was really nothing wrong with the bill. The only thing they found wrong with the bill was the fact that it took so long to get here.

Having been able to get no criticisms of the bill, I think members of the opposition feel they have to find something wrong with the bill and have picked on this as the place where they are going to take a stand. They have picked on this just to show that they have studied the bill—and I commend them for it—and picked on this as a place to say: "We've got to make a change to show that we're the opposition and we have power in this Legislature too."

There are places where this position is valuable and I certainly appreciate their point of view, but I would say to them in all sincerity:



"Please do not impose your will in this particular case against the overwhelming"—I certainly will not claim unanimous—"wishes of all of the people in the area who are affected. Please do not impose a form of government which they do not want."

For these reasons we will oppose this series of amendments, all of which say the same thing. I hope the members opposite will reconsider their position in light of the fact that the vast majority in the area don't want this amendment and support the bill as originally brought forward.

**Mr. Grande:** You have now made your maiden speech.

**Mr. Epp:** Mr. Chairman, I just want to respond on two counts. First of all, I think it's a cheap shot by the member for Wilson Heights to suggest for a moment that either this party or the other party would be submitting an amendment for the sake of just trying to flex their muscles. Despite the fact that he has this inclination from time to time, we don't operate that way on this side of the House.

**Mr. Handleman:** You've never done that before.

**Mr. Rotenberg:** What's wrong with the bill?

**Mr. Epp:** We've told you what's wrong with the bill and we'll show in some other places what's wrong with the bill. Just be patient.

**Mr. Rotenberg:** There is nothing of substance wrong with the bill.

**Mr. Epp:** The other thing that's happened, which is very apropos to divulge or bring out, is the fact that he continually makes assumptions that because some people have signed a petition and have favoured one municipality, therefore their spouse or somebody else in the family also favours that particular leaning. Maybe the other people didn't want to sign. That could very well be the case. We also don't know that they had the full explanation.

With that, I'll leave it: I am prepared to vote on it.

[4:15]

**Hon. Mr. Maeck:** Mr. Chairman, I indicated to the members on Friday my feeling on this particular proposed amendment, but I have to point out that I cannot understand the inconsistency of the members opposite. They were quite prepared to accept petitions and so on when they decided that the northeast part of Conger township should become part of the archipelago. Now we have the majority of the people in the other portions of this proposed municipality who want to

remain as one municipality, but the members opposite are not prepared to accept that.

If we are going to accept the argument that was used, and the amendment that is going to be made by the government, to which I finally agreed, then there should be some give and take. Because there was an overwhelming number of people who wanted northeast Conger to become part of the municipality of the archipelago, we agreed to that—the members on this side, myself and the members opposite—based mainly on the fact that that is what the people wanted. But now we stand here with a situation that the people want, and the members opposite have reversed their whole procedure and said: "We don't care what the people want. We are going to make it into two municipalities." It is not being consistent.

I beg the opposition to reconsider, because I believe the majority of the people in the proposed archipelago do want one municipality. If the members opposite are going to be consistent with the thoughts they had regarding the other amendment—I do not know whether it has been proposed at this point in time but it will be later—then let us be consistent and listen to the people and give them what they want.

**Mr. Swart:** I am going to speak very briefly on this, Mr. Chairman. On the question of whether there should be one municipality or two municipalities, and with regard to the wishes of the people, I would like to say a few words philosophically.

All of us in public life realize that we must give very substantial consideration to what the people want in any given area. On the other hand, it is also true that, if we are going to discharge our responsibilities as elected politicians, we have to look into things in depth, and if at times we determine from our in-depth investigation that there should be some deviation from what the people want, or what we think they want, sometimes we may have to do this. Good government works that way; it is one of the major factors, but not always the final factor, especially if we have no clear-cut indication of what the people want in any given area.

I am a bit perturbed, quite frankly, because during the four years I have been in this House—and certainly before that time—on some occasions when we were forming regional governments, there were meetings et cetera in the area, but the decision by the government was never taken on the basis of what the people wanted in that area. The regional government was determined by the government—I will not say without consultation with various groups, but it was deter-



mined by the government. Now it looks as though we have gone almost the complete cycle.

**Mr. Rotenberg:** So have you.

**Mr. Swart:** Sometimes we have to go down the centre and give weight to the evidence that we have on the one hand compared to what we may think the people want at a given time on the other hand.

I want to say quite frankly on this amendment that we have before us that I do not think it is going to be disastrous whether we end up with one or two municipalities in that area. In fact, I think the decision that has already been made is the one that is going to end up being either an advantage or a great disadvantage to the people in the area, the decision that there is not going to be one archipelago municipality, there are going to be at least two. At the present time one has the Carling township area, the bay frontage along there. There is no question about it, that is going to be one municipality in an entirely different setting, an entirely different principle to that established with the archipelago municipality.

There are these conflicts and they are very legitimate conflicts, again philosophical conflicts, where one group says: "We should have the lake frontage in with the municipality—the area behind and a large number of the permanent residents there—to help pay the costs." There is some legitimacy in that.

On the other hand one says: "The municipalities have a community of interests. The archipelago should be together because their interests are the same." They are not the same, the permanent residents in the area who may be farmers or whatever the case may be. We have already made a division on that basis. We are going to have one that incorporates one concept and another that incorporates the other concept. So we really have not followed through with anything in principle there.

Again I say I do not think it is going to make a great deal of difference. I think the people who are going to be in the one or two municipalities are going to be in a recreational area, a recreational community, a recreational municipality. They are going to dominate it. I think it will probably work well. The few permanent residents who are in those areas, from the discussions I have had with the recreational people and the permanent people it seems to me that there is not any great conflict between the two. But certainly the recreational area is going to dominate that. That will be true whether it is one or whether it is two municipalities. So

I am not convinced that this is an earth-shaking decision being made at this time.

I find it difficult to believe that the two municipalities, even the north municipality, will not be viable on their own. The north municipality may be more viable, granted, if it is in with the other municipality. But there is no question that in an area like this most of the services are going to be contracted out. The municipality is not going to start buying a garbage truck immediately or buying road equipment. It is going to be done by contract. I suppose the same contractors will probably be doing it for the south part of the archipelago as will be doing it for the north part and may even be doing some of it in the Carling area.

So it is not like a normal municipality. By normal I mean one that does not have that kind of lake frontage and does not have that high percentage of summer residents whose main purpose there is recreational. It is not like one of those municipalities where one would only have a municipality of 500 or 1,000 people endeavouring to run the operation on their own. This is an entirely different situation. I suggest they will basically be viable.

To counter that there are the arguments put forth by the member for Wentworth that one would have the smaller more contiguous units where the people certainly would have more input into the local municipalities, if there are two of them, than they would into the larger municipality. I think perhaps the opportunity for some greater degree of democracy overbalances the viability aspect of this.

We were sold on regional government by the fact that it was going to be efficient, that in the long term it was going to save money—

**Mr. Kerrio:** Mel, you said you would be brief.

**Mr. Swart:** —that in fact we could have regional planning, we could have that overview that you couldn't get when you had the local municipality.

**Mr. Ashe:** Do you support regional government?

**Mr. Swart:** Not the kind that you people put in, no!

**Mr. Kerrio:** Now you're qualifying it.

**Mr. Swart:** Not the kind you people put in.

**Mr. Kerrio:** There's only one kind, Mel; where do you find two?

**Mr. Ashe:** The old flip-flop again.



**Mr. Kerrio:** You are stuck with that one, Mel.

**Mr. Swart:** I just suggest to the member for Niagara Falls if he wants to have my views on regional government he should read the—

**Mr. Kerrio:** I've seen them, a hundred times over.

**Mr. Swart:** —brief which I presented to the study group in Niagara at the time they were setting it up. He would find them so much at variance with the present one he would never recognize it. I challenge you to do that and then come back and say what you're saying now.

**Mr. Kerrio:** You were in favour of regional government, Mel, you were in favour.

**Mr. Swart:** I'm sure you'd like me, Mr. Chairman, to get back to the amendment we have before us.

**Mr. Kerrio:** He blew it.

**Mr. Swart:** I guess just to sum this up, I believe there probably would be greater viability if you had it within one, if it was one municipality; but I believe there is greater accountability and democracy if you have two municipalities there.

**Mr. Kerrio:** Or three or four.

**Mr. Ashe:** Or 10; that's even more.

**Mr. Swart:** I think there is a situation that can lead to considerable conflict if you have two separated areas, separated by another municipality, incorporated into one municipality. One will be strong, one will be weak. The majority of the members of council will come from one or the other; certainly the head of the municipality will have to come from one or the other. I suggest over a period of time you can build up some conflict with that sort of arrangement. Certainly it's a new one; it would be the first of its kind in the province of Ontario.

The final reason for my support of the two municipalities concept is it is always easier to join them together than it is to separate them. This has been found wherever it has taken place. In the Niagara region, when they wanted one regional government for the whole thing I said; "No, have two regional governments based largely on the old county line. Then you can join them together later if you determine it is advisable." It is very difficult to break up this kind of marriage. It's easier to live in single bliss for a period of time, take a look at the situation, and if there are arguments for joining together do it at that particular time.

**Mr. Rotenberg:** Just briefly; I've listened quite closely to the various members opposite.

**Mr. Kerrio:** They both started out briefly, neither one of them have lived up to it.

**Mr. Rotenberg:** Really, I've heard nothing from the members opposite which would in any way override the feeling of the people. Nothing is 100 per cent, nothing is completely black and white, but certainly none of the reasons I've heard this afternoon would indicate why one would, on a great matter of principle, have to vote against the wishes of the people in the area in order to have two municipalities instead of one.

I would point out I'm not basing the fact of the wishes of the people just on this petition. The petition is a reaffirmation. As you all know, there have been at least two years of public hearings and of meetings in the area—ratepayer meetings, group meetings, meetings with ministry staff and meetings among themselves. Consistently, throughout all of these hearings of the past two years, the feeling has been at public meetings, at ratepayer meetings, with executives and so on, that they wanted one municipality. This has been everything they have asked for over the past two years. It has been consistent in all of that time.

**Mr. Grande:** When did this start, this business of you starting to listen to people anyway?

**Mr. Rotenberg:** We don't listen to you.

It's been consistent in all of that time, this is what the people want. Suddenly at the 11th hour, for whatever reason, and certainly I wasn't casting any aspersions on the motives of the member for Waterloo North, they say, "No, you can't have the one municipality you've planned for the past years, you must have two." Frankly, I don't think this is the way to run a province. This is not the way to deal with these many citizens of our province, who in good faith have over several years attended many public meetings, have planned the organization of the new municipality, to now suddenly pull the rug out from under them for whatever reason. I would hope the members opposite will reconsider.

[4:30]

**Mr. Isaacs:** If I might just respond very briefly to some of the comments that have been made in this debate. First, to the parliamentary assistant: yes, it's quite correct the overwhelming majority of people in the area want one municipality, but not this municipality. This municipality was not even being considered prior to the beginning of last year. The one municipality the people



want is a single archipelago municipality stretching all the way from the northern limits of the archipelago to the southern limit. I think we should put on the record that if the sample of people who signed the petition and with whom I had the opportunity to communicate is representative, that is what many of them thought they were signing for.

**Mr. Rotenberg:** It's not representative.

**Mr. Isaacs:** As an example, the chairman of the Bayfield and Narrows Inlet environment committee, who is a signatory to this petition, was speaking to me just after lunch today before coming into the House and she was surprised to learn that Bill 100 does not mean a single municipality for the whole archipelago but is the split concept introduced here. If the chairman of a ratepayers' group is confused as to what is going on, then I suggest to the parliamentary assistant the consultation he thinks has taken place really hasn't, and people don't know what it is they are voting for when they sign this petition.

There are other letters that have been submitted here today that indicate it is not a unanimous opinion. There are opinions on both sides, all the way down the archipelago.

**Mr. Rotenberg:** It's not unanimous, it's just overwhelming. If one person disagrees it's not unanimous.

**Mr. Isaacs:** I agree. I even challenge whether it's overwhelming if the facts are laid out. In his earlier comments the parliamentary assistant asked me how many of the 28 I spoke to supported a single municipality. I want to tell him that they all supported a single archipelago municipality after I had explained to them what this bill proposed and explained to them the reasons we have and that have been presented here today for feeling that it might be better, at least as an interim step and possibly as a permanent step, to have two municipalities. Then they agreed that at least maybe we had a point. They did not necessarily agree with us because they hadn't had an opportunity to think about it, but they felt that we had a point.

I really think that the views I expressed on Friday still hold; this ought to be a non-partisan issue. What we ought to be looking for is the best way of providing local government to the people of this area and making sure that local councillors are accessible; making sure that local problems are dealt with by local people, rather than by municipal councillors who come from something that is close to being another municipality.

While there is a community of interest along the 30,000 Islands and along the shore-

line itself, I really have to wonder whether the inclusion of fairly large pieces of inland territory, particularly those in the northern portion, doesn't confuse the whole thing. If the people expressing their opinions through this petition really haven't had the contents of Bill 100 presented to them, then I think it's a pretty sad day to be saying this is what the people want. We certainly stand behind the views we expressed.

**Mr. Deputy Chairman:** All those in favour of Mr. Epp's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Amendment stacked.

On section 3:

**Mr. Deputy Chairman:** Mr. Epp moves that section 3 of the bill be struck out and the following substituted therefor: "On January 1, 1980, the inhabitants of those portions of the geographic townships of Shawanaga and Harrison, all of which lands are described in schedule A hereto, are incorporated as a township municipality bearing the name 'The Corporation of the Township of Georgian Bay North Archipelago.'"

**Mr. Epp:** Just briefly, Mr. Chairman, there is a provision in the bill that would permit the government to have a plebiscite with respect to the name. If the inhabitants were not happy with the name we've designated, they could change it at their pleasure at the first election.

**Mr. Rotenberg:** Mr. Chairman, this implements what we have in the previous amendments and all the arguments are the same. We, of course, will oppose this as being part of the previous amendment.

**Mr. Deputy Chairman:** All those in favour of Mr. Epp's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Amendment stacked.

**Mr. Deputy Chairman:** Mr. Epp moves that the bill be amended by adding thereto the following section 3(a): "On January 1, 1980, the inhabitants of the geographic township of Cowper and that portion of the geographic township of Conger, all of which lands are described in schedule AA hereto are incorporated as a township-municipality bearing the name 'The Corporation of the Township of Georgian Bay South Archipelago.'"

Is there any further discussion on this matter?



Are we agreed the vote will probably be the same and that we may stack this one likewise? I'm trying to short-circuit the procedure, but if we're agreed to that, I'll declare this one stacked as well.

Amendment stacked.

On section 4:

**Mr. Deputy Chairman:** Mr. Epp moves that subsections 1 and 2 of section 4 of the bill be struck out and the following substituted therefor: "(1) The council of a township shall consist of a reeve, to be elected by general vote, and six councillors."

I gather the gist of this motion is somewhat different from the preceding amendment and maybe the member would like to speak to it.

**Mr. Epp:** Mr. Chairman, there are two aspects to this. First, the bill as it now stands suggests the reeve should not be democratically elected by the people during the first vote but should be chosen by the councillors after they are elected. This is similar to the regional municipalities, where the chairman is selected by the elected representatives.

We have been told this is not a regional form of structure. We agree this is not a regional form of structure and yet we see here they are trying to slip in some things that have similarities to regional municipalities. We really believe the population has a right to have a say as to who the chief magistrate of that municipality is. We don't think it should be given to half a dozen councillors to select who the leader of that municipality will be.

I think the people in the area deserve more than the government is prepared to give them. They deserve an opportunity to say who that person is going to be, whether it's a lady or whether it's a man. This is the reason for the amendment.

In addition, we feel that since the municipality will be smaller than the one originally envisioned there should be a smaller number of councillors. We feel that six is a reasonable number that can deal with the problems and the challenges of that municipality.

**Mr. Deputy Chairman:** Is there any further discussion?

The member for Wentworth.

**Mr. Isaacs:** I have to begin to wonder why the section regarding appointment is in this bill and, again, I raised this matter with the people to whom I spoke over the weekend. I notice it's also included in the petition.

It worries me greatly that the government feels and the petitioners seem to feel it's okay to dispense with democracy. The only argument that has been presented to me in sup-

port of dispensing with democracy—and perhaps the parliamentary assistant will have other arguments—is that the people of the area will not know enough about what's going on and enough about the people in the area that they can properly elect their own reeve.

I have to say that if that's the reason then surely that's in total contradiction to the points that have been made previously by the parliamentary assistant in terms of commonality of interest. If there is a commonality of interest there—and obviously there is one; obviously these groups have been working together in the Georgian Bay Association, and we don't dispute that—then why is it not appropriate for the people to elect their own reeve from among the people who have been active in the association or in some other way? Or perhaps they will reject association members and choose to elect a newcomer to the municipal political scene.

I really think that it is inappropriate to allow people to dispense with democracy on the basis of a petition. And I think it's inappropriate for this bill to dispense with democracy on grounds which have not been properly explained and which, I suspect, cannot be properly explained.

So, Mr. Chairman, we too will be supporting this amendment.

**Mr. Rotenberg:** Mr. Chairman, again this is not a totally black and white situation. In all the arguments the members opposite have ignored the fact that in section 4(2) the word "first" is there and is in there very prominently. The idea of this was that only the first reeve would be chosen by council. Thereafter, of course, the reeve would be elected at large.

On the basis that they would be going to an organized from an unorganized territory, this is the first time there will have been an election. It is felt that, in the first election, if 10 people run in their own particular district that would be democracy. Then the 10 people would choose their first reeve, and only the first, from among themselves. In the second election the reeve would have to run at large.

This is in order to help the people get to know each other a little better than they do now, so if there are a number of good people who are running they can each run for council and you won't have three or four good people running for reeve and then be lost to the first council where the most serious work is to be done.

This would apply only in the circumstances that the previous motion which we stacked is not carried. If there are two separate



municipalities and it's a much more localized group then, of course, there will be much less need to have a council choose a reeve. If the first two motions do carry in the stacked vote, then this would be reasonably appropriate. But if the first two do not carry, I think we should continue the way we are.

I would put it to the member for Waterloo North on a strictly non-political, non-partisan basis that he has set up a reeve and six councillors. Normally, in most townships of the province, there is a reeve and four councillors. I'm just wondering why he has chosen six rather than four. If you have two separate municipalities it would seem, if you followed the precedent of other small townships, a reeve and four councillors would be sufficient rather than six. I don't have that much feeling about it one way or the other but does he have any reason why he wants this motion a reeve and six councillors or would he be happy with a reeve and four to be consistent with most of the townships in most other areas of the province?

**Mr. Swart:** I rise to speak on this perhaps because, unlike the first amendment, I am not a bit equivocal about it. I think there's a very real principle here that whether it's a first election, or a second, or a third, people have the right to decide who is going to be the most important politician in their municipality. I don't care whether it is a regional government or whether it's a local municipality, that principle should stand. I am constantly appalled when we are talking about the chairman of a regional municipality, or as in this case, that over there they don't seem to be greatly concerned that the public should have the right to choose that person.

[4:45]

I'm sure the parliamentary assistant knows very well that the first person who is selected from this select group has an in for the next election. There is no question about that. If he serves there for two years, he gets to be known and it is going to be more difficult for one to replace him. It's like the members of regional council. Once they get their foot in the door and get their vested interests set up, they have a greater chance of being re-elected to that position. The same thing is true here.

The comments of the parliamentary assistant on this, if I heard them correctly, which I think I did, are further arguments in support of the first amendment that there should be two municipalities. If I heard him correctly, he said that with two smaller municipalities there wouldn't be the same need for the appointment because the people

would know better those in their own community and could select their reeve in a local election.

The converse to that is that if it is a big municipality they won't know the individual and therefore the public will not be able properly to select that person. That confirms the position put forward by this party that there is some merit in having the two smaller municipalities.

I have to say that when I heard about the petition that had come in, asking not only for one municipality but also that the reeve be selected, it raised some doubts in my mind about whether it was a petition which had been initiated locally by the people. Normally, the public doesn't petition a Legislature in order not to have the opportunity to select the head of its municipality, even if it is the first time. It raised some questions in my mind about where that petition started and whether it was spontaneous within that area with that particular clause in there. The parliamentary assistant has now admitted at least that it wasn't entirely spontaneous within that area.

I support this amendment. As to whether it should be four councillors or six, I don't have strong feelings. I think four members of council would be adequate. But I strongly support the principle that the people should have the right to select by ballot the first person who is going to lead that municipality and who is a very important person, certainly even more so in the first term of office than in the second or third or fourth. My party and I will be supporting this amendment.

**Hon. Mr. Maeck:** Mr. Chairman, I have just a very few remarks on this particular item. I have no hangups about whether or not the reeve is elected by the council or at large by the voters. As a matter of fact, my personal preference is that he be elected by the voters rather than chosen by the council after the election.

My main point in rising is to suggest to the member that if the other amendments pass and we do have two municipalities that he consider reducing the council to a reeve and four councillors rather than a reeve and six, simply because it is consistent with the other smaller municipalities in the riding of Parry Sound. We don't know at this point whether or not all the amendments are going to carry, but this amendment obviously takes into consideration that the previous amendments are going to carry. I just wonder if the member would consider reducing the



number from six to four so that it is consistent with the other municipalities.

**Mr. Epp:** If I may respond to that immediately, like the member for Parry Sound, I have no particular hangups on this point. I would be glad to accept that amendment and make it four, rather than six.

**Mr. Deputy Chairman:** That will depend on some person moving that when they see the developments on the other amendments. I don't mean now, necessarily.

**Hon. Mr. Maack:** If I could conclude my remarks, I would have to advise the member we would still have to oppose this amendment, because if it passed and the other ones didn't we would have quite a mix-up. It is dovetailed into the other amendments already made, so we would have to oppose it, obviously; but I am only suggesting the four.

**Mr. Epp:** I understand that, Mr. Chairman. If no one disagrees with that, I will be glad to propose we make that four councillors rather than six.

**Mr. Deputy Chairman:** If the other amendments pass when they are finally put, right.

At the present time I will put this amendment, unless there is some further discussion?

**Mr. Isaacs:** Just for clarification, Mr. Chairman, if I might. Do I understand that whatever happens to the previous three amendments, you will permit an amendment to this amendment when we see the results of the stacked vote? What I am saying is if, perchance and unfortunately, we should lose the first three amendments, would you permit this amendment at that time to be amended to read 10 councillors, which is the number of councillors on the single municipality council?

**Mr. Deputy Chairman:** I am not so sure there has been any general understanding about that because, of course, now is the time to put the amendment. I think the suggestion made here by the member for Parry Sound is reasonable. Maybe we can get the consensus of the committee on this; it is getting a little complicated. Let's hear what the parliamentary assistant has to say.

**Mr. Rotenberg:** Mr. Chairman, my understanding is that the amended motion now before us is for a reeve and four councillors, is that correct? That is accepted by everyone?

Because of the stacked vote, it would seem that if the votes previously stacked are not agreed to by the committee, it would be only fair at that time to allow the opposition to

place a different amendment to section 4. The amendment placed to section 4 now is based on the fact that previous amendments will carry. If they do not carry later on when the stacked votes are taken, this amendment really would not be the one the opposition would wish to put. If it were one township, members wouldn't want a reeve and four councillors for the larger townships.

If the amendments to sections 2 and 3 do not carry, I would then consent that the member for Waterloo North put a different amendment to section 4 at that time. I think we can do without debate. We would just put a different amendment and take a vote at that time.

**Mr. Deputy Chairman:** I am not so sure that answers the proposition of the member for Wentworth, the proposition of putting it back to 10.

**Mr. Isaacs:** Yes, it does.

**Mr. Deputy Chairman:** All right. Let me put this amendment now so we will know where we stand.

Mr. Epp has moved an amendment that section 4(1) and (2) of the bill be struck out and the following substituted therefor: "The council of the township shall consist of a reeve to be elected by general vote and six councillors."

**Mr. Epp:** Mr. Chairman, just one point. I thought we had agreed it should be four councillors rather than six and I thought there was general consensus in the committee that it be four, rather than six councillors.

**Mr. Deputy Chairman:** But you are only going to do that, depending on what happens later on?

**Mr. Epp:** No, do that right now.

**Mr. Bolan:** You can do anything on consent.

**Mr. Deputy Chairman:** The amendment should read: "The council of the township shall consist of a reeve to be elected by general vote and four councillors."

That is your amendment now?

**Mr. Epp:** Yes. Mr. Chairman, do you want me to clarify the other point? That was, having four councillors here and six in the other municipalities, is a total of 10. That is what the government has proposed for one single municipality.

As the member for Wentworth pointed out, if our earlier amendments don't pass we still want to have the opportunity of voting on the principle of having the reeve elected rather than appointed. That is a basic principle we want to have a vote on, if by chance the



others didn't pass. We don't want to forgo that opportunity.

The parliamentary assistant has indicated he is prepared to permit us to put that particular vote as a separate vote, rather than forgo that opportunity.

**Mr. Rotenberg:** I would just like to indicate again I would consent that if the first two amendments carry, then we will put this to a reeve and four councillors, if the first two amendments do not carry, the motion will be a reeve and 10, is that correct? We consent to that.

**Mr. Deputy Chairman:** This must still be on the record, though.

**Mr. Epp's** amendment to section 4 now reads as follows: "That subsections 1 and 2 of section 4 of the bill be struck out and the following substituted therefor:

"1. The council of the township shall consist of a reeve to be elected by general vote and four councillors."

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Amendment stacked.

**Mr. Bolan:** There's nothing left of the bill—nothing that the government presented. Just the good stuff is in there now.

**Hon. Mr. Maek:** You guys will take the responsibility.

**Mr. Deputy Chairman:** Mr. Epp moves that section 5 of the bill be struck out and the following substituted therefor:

"The meetings of the council of a township shall be held at some place within the township or, where the council of the township by bylaw appoints, at some place within an adjoining municipality."

**Mr. Epp:** As the bill now reads, Mr. Chairman, the council may meet in any area within the district and, as I pointed out on Friday, the district is very large. To try to keep the council meetings close to where the people reside, whether they are permanent or seasonal residents, we felt that it should be in the municipality. However, there is one small problem; rather than force the new municipalities to build new township halls and therefore have the facilities to house the council chambers and so forth, we felt it would probably be more logical and more economical to permit them to meet in the immediate area or in an adjacent municipality. We have proposed this amendment so that they can meet in the municipality or in an adjacent municipality.

**Mr. Isaacs:** Mr. Chairman, we cannot support this amendment; it appears to us to be

unduly restrictive. If the matter of place of meeting is a significant issue—and I am aware that it is in parts of the district—then we believe that should be an issue at the local election. The people of the area should decide whether they wish to elect councillors who want to hold their council meetings and conduct their council business within the municipality, or whether they do not regard that as of paramount importance and are prepared to allow their councillors to hold meetings anywhere in the district.

I want to suggest to the parliamentary assistant that, while we are not prepared to move an amendment, I am even concerned that the district itself may be too restrictive and there may be a good case for allowing the council of any of the municipalities to hold its meetings at some place near to, but not necessarily within, the district of Parry Sound. But, as I indicated, we do not want to get into that kind of amendment today. We are prepared to accept the wording that is in the bill with regard to holding meetings within the district of Parry Sound.

I want to point out to my colleague from Waterloo North one problem with his amendment; that is, if the previous amendments carry, then the township of Georgian Bay North Archipelago will not be able to hold its meetings in the town of Parry Sound. I regard that as particularly undesirable, because the council of the Georgian Bay North Archipelago may wish to hold its meetings in Parry Sound and, because Parry Sound is not adjacent to Georgian Bay North—in fact, Carling is the municipality adjacent on the south—then this amendment introduces that difficulty. We will not be supporting it.

**Mr. Rotenberg:** Mr. Chairman, I am almost speechless. The member for Wentworth has said it all. I endorse everything he has said, except I think the members of one or two townships should be free to choose wherever in the district of Parry Sound they wish to meet. Certainly they are not going to go away off to the far northeast corner; they are going to find a convenient place that will probably be in the town of Parry Sound. We also will not support this amendment.

[5:00]

**Mr. Deputy Chairman:** All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

Sections 6 to 9, inclusive, agreed to.

On section 10:



**Mr. Deputy Chairman:** Mr. Epp moves that section 10 of the bill be struck out and the following substituted therefor:

"10. On and after January 1, 1980, a township shall be a planning area under the Planning Act, to be known as the Georgian Bay North Archipelago planning area and the Georgian Bay South Archipelago planning area respectively, and the township council shall be the planning board thereof, and where the township council meets in respect of matters pertaining to planning no separate meeting of the council as a planning board is required."

**Mr. Epp:** This is consistent with what is in the bill right now except that if our earlier amendments to divide it into two municipalities rather than one carry, this gives provision for that. So it is just consistent with the amendments I introduced earlier.

**Mr. Rotenberg:** The member is quite correct. This just implements what happens previously and it would be, I think, the same vote and the same stacking.

Amendment stacked.

Sections 11 to 19, inclusive, agreed to.

On sections 20 to 22 inclusive:

**Mr. Deputy Chairman:** Mr. Rotenberg moves that part V of the bill be struck out and that schedule A of the bill be amended by striking out the first four paragraphs and substituting therefor:

"Firstly, part of the geographic township of Conger, commencing at the intersection of the northerly boundary of the township of Conger and the eastern limit of lot 10 in concession XII of the township of Conger;

"Thence southerly along the eastern limit of lot 10 in concession XII to IV, both inclusive, to the northerly limit of concession III in the township of Conger."

**Mr. Rotenberg:** This implements what we indicated on Friday, and I felt that there was unanimous consent for this, that the bill now provides part of Conger township to go into the township of Foley.

As you will recall, the first bill we had a year ago had it going with the archipelago. Having had a series of meetings, it seemed there was sympathy and reasons for putting it in with Foley, but having decided to put it into Foley there was an overwhelming—not unanimous but overwhelming—public opinion that it should be in the archipelago.

On this side of the House, unless there is some very overriding reason why we should not, we listen to the vast majority of the people in these situations. In this case, as in the archipelago case, the majority of people

indicated very strongly which way they want to go and we certainly are not going to put the people in Conger township into Foley against their will. That is why I have put forward this amendment which in effect puts the people back where they were in the original bill last summer, the cottagers in Conger going in with the new archipelago township.

**Mr. Isaacs:** Mr. Chairman, we certainly support the amendment, but in view of the fact it is now before us, I cannot help but comment as to how it got changed in the first place. If the members opposite are so interested in listening to overwhelming public opinion, why did they change it from Bill 205 to Bill 100, and what sort of public consultation went on there? Is it because of the fickleness of the ways of determining public opinion or was there some other reason for changing it back? I will allow the parliamentary assistant to dispense with an answer at this time.

**Mr. Rotenberg:** Mr. Chairman, I am glad we have the question. When we met with the people after the first bill came out there was considerable objection to these people going with the archipelago. A number of people came to us and said, "Hey, we want to go with Foley." Having investigated and not getting too much flak the other way, that seemed to be public opinion. We switched it back when we got far more people going the other way.

Frankly, yes, one cannot always judge public opinion. Sometimes it changes. But more often the people who think they are winning do not make a lot of noise until something changes. Maybe that is what happened in this part of Conger township. People who thought they were getting their way did not make too much noise at the meetings while those who objected made a lot of noise; there was a feeling that public opinion went the other way.

Having changed the bill, quite frankly we are willing to state here that maybe we did somewhat misjudge public opinion. But that certainly does not apply to the archipelago where more than two thirds of the households have already signed a petition. That really is an indication of public opinion.

**Mr. Epp:** Mr. Chairman, I would just like to ask the parliamentary assistant, which one of the 23 Gallup polls applies to this section of the bill? I think that is very important information as far as this House is concerned. I would like to have it and I am sure every member would like to have it—probably including some of the cabinet min-



isters here. So I wonder if he can elucidate on that and give us some information on that. Maybe Mr. Warner, who is in the gallery, could help him out.

**Mr. Rotenberg:** I cannot speak totally for the government. I am only the parliamentary assistant and I have only been in the job for three months. But all the briefings I have had, and all the information I have—all the polls taken were taken publicly, to the best of my knowledge. There has been no Gallup poll taken in this area. Opinion was solicited in public and the results were recorded in public.

**Mr. Epp:** I was wondering whether the parliamentary assistant would check into this and if he has information whether he would make that public, to see which one of the Gallup polls affected this area.

**Hon. Mr. Maeck:** Mr. Chairman, I think the member is just being facetious about this whole thing. He knows very well what has gone on in this study. He has been up there; he spent three days there; he has talked to all the people; he knows there are people there who wanted to go to Foley township; he has talked to some of them. He is just being very facetious and I think he is trying to take advantage of the parliamentary assistant.

**Mr. Rotenberg:** Mr. Chairman, I do not like to disagree with anything my colleague says, but certainly it is going to be a long, long time before the member for Waterloo North can take advantage of me.

Motion agreed to.

Sections 20 to 22, inclusive, agreed to.

On section 23:

**Mr. Deputy Chairman:** The bill will take some renumbering, which I assume the editors will do. Looking at part VI, section 23, shall that section be reported?

Sections 23 to 27, inclusive, agreed to.

On schedule A:

**Mr. Deputy Chairman:** Anything in regard to schedule A? I think Mr. Epp has an amendment for schedule A.

**Mr. Epp:** I'm going to require some guidance on your part with respect to schedule A which, as you can see, is fairly lengthy. I'm not sure whether you want me to read it into the record or not because it's consistent with our earlier amendment.

**Mr. Deputy Chairman:** No, I'm not going to suggest you read it either.

**Mr. Epp:** I'm not sure it would be necessary to read this whole schedule and then

have another schedule read after that, schedule AA and so forth. All I can do is say that I've had legislative counsel help with respect to this schedule and some of the other amendments. It has been drawn up on that basis. I'm prepared to read it if you wish, but I'm not sure it's necessary.

**Mr. Deputy Chairman:** Let me hear what the parliamentary assistant has to say as to the accuracy of schedule A and schedule AA.

**Mr. Rotenberg:** I'm prepared to accept the accuracy, based on the word of the member opposite. Certainly I think we can adopt those schedules. If there are any minor corrections, I think all members of the House would agree they could be corrected before the bill is finalized. I'm prepared to go without the reading of these schedules.

**Mr. Deputy Chairman:** I think we're agreed then with the parliamentary assistant, that if there are any corrections to be made if these amendments carry, they can be done in keeping with the wish of the committee and eventually the wish of the House.

**Mr. Epp** moves that schedule A of the bill be struck out and the following substituted therefor—then follows a long metes and bounds description of what he proposes for the new schedule A.

All those in favour of Mr. Epp's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Amendment stacked.

**Mr. Deputy Chairman:** Mr. Epp, you move a similar amendment to schedule AA?

**Mr. Epp:** Yes, I do.

**Mr. Deputy Chairman:** Do we agree that the result will be the same and that we will stack schedule AA?

Amendment stacked.

**Mr. Deputy Chairman:** I'm looking at an amendment I have here from Mr. Epp, on part V, schedule E.

**Mr. Epp:** That won't be necessary because we've already adopted the amendment the parliamentary assistant has made, which is the same amendment we have here. Although it's drawn up a little differently, it has the same substance, so I will withdraw this.

**Mr. Deputy Chairman:** So you are withdrawing that.

**Mr. Rotenberg:** Before adopting the final schedules of the bill, could we agree that we will rise without adopting the final part of the bill and then return to committee of the whole at 5:45 for the stacked votes?



On motion by Hon. Mr. Maeck, the committee of the whole reported progress.

### MUNICIPAL AMENDMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 103, An Act to amend the Municipal Act.

Mr. Rotenberg: Mr. Speaker, I'd like to take this opportunity to highlight briefly some of the changes to the Municipal Act being proposed. The majority of these amendments were prompted by requests from municipalities or from municipal associations.

[5:15]

The requirement to produce financial statements will be extended to include every municipality, including counties, excepting Metropolitan Toronto, by deleting the reference "local" municipalities and referring to "every" municipality. A similar amendment has been prepared for Metropolitan Toronto.

Statements of surplus have been replaced with other more informative statements based on modified minimum disclosure requirements recommended by a committee of the Association of Municipal Clerks and Treasurers of Ontario.

Section 236 will be amended to permit municipal councillors discretion to extend the deadline for taking the oath of allegiance and declaration of office by 30 days.

The amendment in section 4 of the bill is intended to make clear that where a committee of council conducts a hearing under section 242(b) of the Municipal Act, the procedures and requirements on hearings under the Statutory Powers Procedure Act, 1971, apply only where a statutory power of decision is being made. As members are aware, the Statutory Powers Procedure Act sets out a number of formal proceedings and requirements, for example, notice of hearing, cross-examination and the submission of written decisions to be followed by tribunals exercising a statutory power of decision. This change, therefore, is to make clear that these formal proceedings are not required in certain other less formal hearing proceedings under the Municipal Act which are not considered to involve the exercise of a statutory power of decision.

Municipalities will be exempted from seeking the assent of electors before undertaking agreement with the province for a loan under the Main Street Revitalization Program and the Ontario Downtown Revitalization Program. This amendment would enable a municipality to proceed directly with an application for OMB approval on the debt applica-

tion without the necessity for an OMB order to dispense with the assent of the electors.

The existing reward section will be expanded to enable a municipality to provide rewards for information leading to the location or return of missing persons or property. This change was requested by the regional municipality of Hamilton-Wentworth.

The term of office for boards of management for special undertakings will be made the same as that of council or until a successor is appointed.

Municipal councils will be enabled to allow municipal sewer inspectors to enter into private commercial and industrial property but not a residence, without a search warrant, for the purpose of examining discharge into municipal sewers.

Another change will extend municipalities' general power to prescribe penalties of not more than \$1,000 under section 446 to contraventions of the bylaw prohibiting the leaving of unattended unlocked motor vehicles.

Ministerial approval for roads over 30 metres has been deleted, which is in line with our efforts to delete unnecessary ministerial approval.

Municipalities will be able to lease or licence the use of untravelled portions of highways in any area within the municipality. Presently, these powers are restricted to lands in areas zoned for industrial or commercial purposes only.

Provincial judges will be given the power to issue an order to restrain the repetition of a breach of a municipal bylaw where a conviction has been entered. This will facilitate the prevention of continued infraction by people who may regard the fine as a sort of a fee. This, I think, is more common in zoning bylaws where people pay their \$50 fine and continue the infraction, but under this new amendment of the act a judge may issue an injunction upon conviction restraining the use contrary to the zoning bylaw.

Another amendment will be the minimum deemed tax bill will be raised from \$6 to \$10.

The minimum interest on tax arrears is to be raised to one and a quarter per cent a month from one per cent a month, and 15 per cent per annum from 12 per cent per annum, a rate comparable to commercial rates. This charge is intended to encourage ratepayers to pay their taxes on time and to avoid hardship for municipalities.

Municipalities will also be enabled to authorize taxpayers to pay their taxes into a credit union or caisse populaire in the same manner they are now authorized to make such payments to a bank or trust company.



Where a taxpayer claims to be unable to pay taxes because of sickness or extreme poverty, municipalities will not be permitted, as they are now permitted, to delegate the hearing of such cases to the assessment review court.

The minister will be empowered to prescribe forms required under the Municipal Act in a bilingual format. The minister indicated this morning at the AMCTO conference that he intends to have these forms ready as soon as possible. Municipal council will decide on whether to use the English forms contained in the act or the bilingual forms prescribed by the minister. Any municipality opting for bilingual forms will be able to administer the oath of allegiance and declaration of office in French following the next municipal election, if they so decide. I emphasize that the choice will be up to each individual council.

These are the highlights of the many sections of the amendments to the Municipal Act and I commend the act to the Legislature.

**Mr. Epp:** Mr. Speaker, we will support this bill in principle. I regret, however, that we have not had very much time to consult with a lot of municipalities with respect to the particulars included in this bill. I do hope that in the future the Minister of Intergovernmental Affairs would give a little more time to the opposition parties to look at the various bills he brings in, particularly during the closing hours or the dying breaths of this Legislature before it recesses for the summer. This bill has been out for only about two weeks now. When members have other responsibilities, it's very difficult sometimes to have as much consultation with municipalities with respect to new bills as they should have.

I would point out that in consulting with some municipalities we found they hadn't even read the bill themselves. When I called them within the last few days about some of its aspects, they had to then look at it to see whether there were points they were sensitive about and whether they agreed with them or not. I hope the parliamentary assistant will convey that to the minister and to the ministry officials so that in future they can take that into consideration.

As the parliamentary assistant has pointed out, there are some very important sections in this bill, particularly as it applies to sewer inspectors being able to inspect the discharge on a property. They can go on to private property, providing it's commercial or industrial property, and take samples of that discharge. I think that's an important change in that it will not be necessary now to get a warrant in order to do it once this bill re-

ceives royal assent, whereas it may have been in the past.

Another change is in the tax fines for motor vehicles, which will be increased from \$10 to \$100, minimum and maximum, from \$1 and \$10 respectively. The \$1 and \$10 amounts are somewhat less than minimum in the sense that it would hardly be worth processing the fine, even if there was a maximum charge.

The extension of the oath of allegiance and the declaration of office to French forms from English-only forms is a welcome change, and we wholeheartedly commend the government for making such a change in the particular bill before us.

I want to comment on one other matter. This has to do with the fact that the interest that municipalities will be able to charge will be increased from 12 per cent to 15 per cent a year, or by one quarter of one per cent per month, which is something that some municipalities have requested. We agree with that, as we do with the investment that municipalities can now take to credit unions and caisses populaires institutions as well as to banks and trust companies. We think this is a natural extension, one that we applaud, and one about which we sometimes wonder why it took so long in order to make these very necessary and very logical changes.

We agree with the bill, its conditions and provisions and we will support it.

**Mr. Isaacs:** Mr. Speaker, this is another bill that's not exactly landmark legislation, but it's certainly a compendium of things that's going to make life a lot easier for a number of our municipalities.

I certainly concur with the comments of the member for Waterloo North about the way this legislation was introduced into the House and about the very short notice we and the municipalities have had to check that it really meets the needs they have. There are a number of sections I want to make comment on. We will be introducing an amendment to section 12.

I think it's appropriate, in view of the fact that this is a compendium of a number of different subjects, that those subjects be dealt with as separate issues during this second reading of the bill rather than at the committee stage, and that should mean that the committee stage proceeds that much more smoothly and we can move to only those sections to which there are amendments.

Section 2 of this bill makes the publishing of financial statements compulsory for all municipalities. That's certainly a step for-



ward, but it removes the time limit or, at least, it permits the minister to impose the time limit rather than having the time limit that was specified in the Municipal Act at present.

While making the publishing requirement compulsory for all municipalities is obviously desirable, I think it's unfortunate that the act itself does not, or will not when this is passed, specify the length of time that municipalities have for publishing their financial statements. I think those who are concerned about the financial well-being of their municipal council may well see this as a step backward rather than one forward.

The matter of extending the time for taking the oath by 30 days is obviously a convenience, given that municipal elections are now held in November.

The clarification of the Statutory Powers Procedure Act is very useful. I want to say to the minister and to the parliamentary assistant that we fully support that, because some councils have got themselves in some difficulties regarding the administration of that act and this is a step forward that will assist them greatly.

In section 5, the deletion of an assent of the electors in a planning matter is fairly minor but will certainly solve legal technicalities that have existed in the past.

The section 60 extension for permission for rewards is a good move. I want to remark particularly on the second part of that section, which clarifies the right of council to pull members off boards of management at any time. I think that's a good move forward. That is saying very clearly that the council is in charge of the activities of the board of management. I think that's a step in the right direction.

It's something that should be extended to a number of the other boards and special purpose bodies that exist around this province for two reasons: one, because it makes it clear that it's elected people who are in charge; and, two, and perhaps more important, because it will encourage councils to set up boards to manage special projects such as recreation centres, community centres, historic sites and that kind of thing, whereas at the present time they may be reluctant to set up what appears to be an autonomous special purpose body. I commend the minister for bringing that amendment forward.

With regard to the permission for inspectors to enter premises, except dwellings, to inspect sewers and the contents of sewers, that too is obviously a necessary step, though

I regard it as rather unfortunate that there could be some duplication where municipalities are going to have to have inspectors who are qualified to deal with matters of effluent. I think it's unfortunate that this is not something that is being dealt with by the province, or at least by a large district area rather than by, in some cases, lower-tier municipalities which are still fairly small municipalities.

So while we support the permission for inspectors to enter the premises, we regard it as unfortunate that this is a municipal responsibility and would be much happier if sewers and matters of the environment such as this were a provincial responsibility.

**Mr. Philip:** It used to be known as the affluent province. Now it's known more as the effluent province.

**Mr. Isaacs:** Right. Allowing an open penalty for leaving keys in a vehicle is something that municipalities have been requesting for some time.

With regard to section 9, removing the restriction requiring ministerial approval for roads over a certain width is certainly a move forward, but I'd like the parliamentary assistant to explain why ministerial approval continues to be required under this bill from municipalities to set up narrower than usual roads, given that that matter is already covered by the Ministry of Transportation and Communications and narrow roads are generally not eligible for subsidy. It seems to me that this provision is just a bit more red tape and a bit more bureaucracy that is redundant because things are already being satisfactorily handled elsewhere.

Leasing or licensing the use of untravelled parts of highways is something that municipalities are requesting and I think it's worth trying as an experiment. I hope it does not turn into a nightmare where municipalities are extending the use of the untravelled portions of highways so much that sidewalks and parts of the untravelled portions that appear to be sidewalks become totally cluttered with vehicles.

[5:30]

The matter of courts issuing restraining orders on municipal bylaws is a big step forward, and I hope it is only a first step in permitting municipalities properly to enforce bylaws which at present are still causing a great number of problems.

On section 12, as I have indicated, we will be introducing an amendment because we feel the collection of taxes is best left to the municipal council to handle. We see no reason at all why the minister should have the



right to set the amount of a minimum tax bill; this seems to us to be something perfectly within the ability of municipal councils, and our amendment will give municipal councils the right to determine the size of the smallest tax bill they issue.

On section 13, we have some concerns about raising interest on overdue taxes from one per cent to one and a quarter per cent per month. We are supporting this amendment because it is a permissive amendment which will allow municipalities to set the interest on overdue taxes at up to one and a quarter per cent per month. I can understand that that flexibility is needed.

I have to express some concern, though, when there may well be good cause for a person to have overdue taxes—a cause which may be due to his personal financial circumstances or more likely may be due to some problems he is encountering with property taxes in general and with his relationship with the municipality over property taxes. When municipal councils are still able to borrow money at less than 12 per cent per annum, I really don't see why we have to add a surcharge to that for citizens of the community who, for good reason, may have overdue taxes. So we will be supporting that section, but we do have some concerns about it.

On the second part of that section which allows the municipality to make use of credit unions, we have to say, "Hurray." But we suggest to the parliamentary assistant and to the minister that we feel this isn't going far enough. Municipalities ought to have the right to use credit unions for their entire financial services if they so wish. I recognize that is something which cannot be done by amendment to this act, because it would require quite a bit of liaison, discussion and co-operation with the credit unions themselves and then might require amendments to certain other acts.

On section 15, which requires that tax appeals on grounds of sickness or extreme poverty go to council rather than to the assessment review court, that certainly is a good move because the assessment review court is not an appropriate body for dealing with appeals on this basis. I would like to ask the parliamentary assistant whether his staff can advise him and us whether this section would permit the council to delegate that responsibility to a committee so that tax appeals on the grounds of sickness or extreme poverty could be heard by a committee rather than having to be heard by the whole council. I would like clarification on that.

On the final section, regarding the matter of English and French and bilingual forms,

we are concerned simply that the discretion of the minister and of the council remain in that section. We find it difficult to understand first of all, why the minister has to prescribe the English and French versions of the forms and then the council may decide whether it wishes to use either or both. We would be a lot happier if the entire discretion rested with the municipality and the minister were required to provide copies of all forms which the Municipal Act specifies in both English and French versions so that municipalities could provide service to their residents in either English or French, as the municipal council sees appropriate, rather than having ministerial discretion intervene in there as well.

To sum up, yes, it is more than a house-keeping bill; it's a bill that makes some of the functions of municipal government a lot easier. As my colleague has indicated, it's most unfortunate that it was brought to us at this very late date when we haven't had an opportunity to consult in the way we like. But I know it has been discussed very briefly by the PMLC and that consultation on each of these sections has taken place. I regret to say we will have to take the word of the minister on a couple of these things—that municipalities are going to approve of our passage of these sections—because they haven't had proper chance to deal with them.

I think it's unfortunate when we get to an omnibus bill such as this that the legitimate concerns municipal government brings to this government on a monthly basis don't get dealt with as they come up. Instead of being dealt with expeditiously, apparently they are put away in a file drawer until there is a great big bundle of them and then we see an omnibus bill such as this brought out with rather short notice. I think that's very unfortunate.

I would urge the government to respond more quickly to requests municipalities bring to it; say yes or no, and if the answer is yes, and in many cases hopefully it will be, then the government could bring forward pieces of legislation which deal with one specific change, rather than trying to deal with everything all at once—everything being that which has accumulated for the past couple of years in many cases.

So those are our comments and we will be asking that this bill go to committee stage so we can introduce an amendment on section 15.

Mr. Hall: Just briefly, I wish to rise in support of section 13 of the bill. It's been a particular problem in the town of Lincoln, which is part of the riding of Lincoln, to the extent it would appear that rather than pay



taxes, established business firms have been using the municipality as a banker. Therefore the opportunity to charge interest on arrears will possibly ease the heavy tax rolls municipalities have been having to carry.

For example, at the end of 1978 Lincoln's tax arrears were some 71 per cent of the portion of the whole levy it got to keep for the year—having, of course, had to forward the regional and school board levies. One business alone owed the town some \$143,000 in unpaid taxes and interest payments. While I don't like to see higher interest payments, it certainly puts a municipality in an awkward position if they are going to be used as a bank by established business firms.

Other municipalities may have also faced the problem, but I do want to compliment the town of Lincoln for initiating some enthusiasm from other municipalities to support a change in the interest rates. I believe some 85 municipalities eventually responded to the minister to share in this concern over the problem.

For a small municipality such as Lincoln, facing a tax delinquency of \$990,000 in 1978 is a substantial problem for them. It is unfortunate there's no other way of doing it easily, but this amendment does seem to be necessary so I certainly support it.

**Mr. Swart:** I rise specifically to ask the minister to deal with a point raised by my colleague from Wentworth. The question I want to put is why has the government not brought in a comprehensive amendment which would have permitted municipalities to deal with caisses populaires and credit unions exactly on the same basis now that they can deal with trust companies and banks? There was a concession made—I believe it was last fall; it was some time last year—when an amendment was made to the Municipal Act which we supported and which I believe everybody in the House supported. It permitted municipalities to make term deposits with credit unions. That was the only—

**Mr. Speaker:** I hope the honourable member will keep in mind he is to restrict his comments to those principles that are contained in the bill rather than those that have been left out.

**Mr. Swart:** I am, because we do have a section dealing with the right of municipalities to have certain financial dealings with credit unions, but in the instance of borrowing and in other fields of financial services, they may not deal in the same way with credit unions and caisses populaires. Credit unions and caisses populaires at this stage in our society, as you well know, Mr. Speaker, are major financial institutions, perhaps the

largest in the nation. They are responsible financial institutions, democratic financial institutions, and it seems to me this should be recognized when we are bringing in bills that are dealing with the relationship between municipalities and these institutions. I would like the minister to elaborate as to why there is still that great restriction.

I, too, have some concern with a section of the act which empowers municipalities to increase their interest rates from 12 to 15 per cent, because it is permissive legislation. My party and I are going to support the bill in that regard.

There are many people within municipalities who, for one reason or another, are very much behind in their taxes. At a time when we have high unemployment and through no fault of their own they may be going to have to pay these much higher interest rates. The municipality, unlike many lending institutions, has security; they know that ultimately they are going to get that money. There isn't the same reason for them to charge the interest rate that exists in the commercial area of our society. Therefore, I would hope municipalities would use this permission very sparingly.

I recognize there is the other side of the coin, as mentioned by the member for Lincoln. There have been some commercial enterprises and some others which have difficulty in borrowing and have to pay very high interest rates, which have been using the municipality to some extent as a lending agency. I guess I just have to say this perhaps is a fair compromise. When it is permissive we will go along with it, but it can certainly hurt some people who have their own homes, are out of work, or for some other reason are unable to pay their taxes at this time.

The only other thing I want to mention is the legislation which removes the restriction on a municipality having to get approval for constructing highways or rights of way wider than the standard. I think it is very advisable to remove that restriction. As my colleague from Wentworth said, perhaps we should have gone the other way.

I can't help but mention the anomaly of this legislation, which means the municipality can't in fact, have municipal roads which are under 69 feet, or 20 metres. They have to get special permission and yet within condominiums we have narrow streets. You can say, "Well, they are not public; they are private." They are private, but many of them are going to be public at some time, I am afraid, and yet there is no control put



over them. They are wholly inadequate, perhaps only 14 feet or something in width, and that is something at which the government should be taking a look.

As my colleague for Wentworth said, we are going to be supporting this bill, but I would like to have that one particular answer from the parliamentary assistant.

On motion by Hon. Mr. Maeck, the debate was adjourned.

House in committee of the whole.

DISTRICT OF PARRY SOUND  
LOCAL GOVERNMENT ACT  
(concluded)

Resumption of consideration of Bill 100, An Act respecting Local Government in the District of Parry Sound.

The committee divided on Mr. Epp's amendment to section 2, which was agreed to on the following vote:

Ayes 47; nays 34.

Section 2, as amended, agreed to.

The committee divided on Mr. Epp's amendment to section 3, which was agreed to on the same vote.

Section 3, as amended, agreed to.

The committee divided on Mr. Epp's amendment to section 3(a), which was agreed to on the same vote.

Section 3(a), as amended, agreed to.

The committee divided on Mr. Epp's amendment to section 4, which was agreed to on the same vote.

Section 4, as amended, agreed to.

The committee divided on Mr. Epp's amendment to section 5, which was negatived on the following vote:

Ayes 26; nays 55.

Section 5 agreed to.

The committee divided on Mr. Epp's amendment to section 10, which was agreed to on the same vote as the first vote.

Section 10, as amended, agreed to.

The committee divided on Mr. Epp's motion on schedule A and AA, which was agreed to on the same vote as the first vote.

Bill 100, as amended, reported.

On motion by Hon. Mr. Maeck, the committee of the whole House reported one bill with amendments.

The House recessed at 6 p.m.



## APPENDIX

(See page 3006)

## ANSWERS TO WRITTEN QUESTIONS

## CO-PAYMENT FEES

**222. Mr. Breaugh:** Would the Minister of Health indicate to the House what is the total number of persons in nursing homes at present? How many of these persons are obliged to pay no more than the equivalent of the chronic-care co-payment fee of \$9.80 per day? For those persons who pay more than the equivalent of the chronic-care co-payment fee, what is the total amount paid by such persons in the last fiscal year for which figures are available; what was the total number of persons who paid above the rate of \$9.80 per day; what was the average and mean figure paid by such persons? [Tabled June 4, 1979.]

## CHRONIC-CARE BEDS

**223. Mr. Breaugh:** Would the Minister of Health inform the House how many additional chronic-beds he is prepared to designate for funding in public hospitals in Ontario in 1979-80? To date, how many additional chronic-care beds have been approved for funding by hospital; and what is the projected number of additional approvals for the rest of this fiscal year? [Tabled June 4, 1979.]

## NURSING HOME BEDS

**224. Mr. Breaugh:** Would the Minister of Health review Ontario Regulation 599/75 nursing home beds he expects to be added to the existing stock in 1979-80 by county? [Tabled June 4, 1979.]

AMBULANCE AND  
EMERGENCY SERVICES

**227. Mr. Stong:** (a) Will the Minister of Health review Ontario Regulation 599/75 under the Ambulance Act, and more particularly sections 9 and 10 thereof, with a view to extending the deadline of August 1, 1979, which deadline would cause the discontinuance of full-time employment as a driver-attendant for anyone who has not by that date taken and obtained a pass standing in an emergency medical care examination set by the director pursuant to that regulation? (b) Will the minister review the compulsory ambulance and emergency care courses offered by the Colleges of Applied Arts and Technology, which are not available on a part-time basis, which require approximately

320 hours of study and the average annual tuition for which costs the student \$325, excluding examinations, so that those courses may be more accessible in terms of time and cost? (c) Will the minister review the competency of the ambulance and emergency care courses offered in light of the failure rate in both the practical and theoretical aspects of the examinations set by the director pursuant to this regulation? (d) Will the minister consider revising the regulation and allow for retraining as opposed to discontinuance of full-time employment by any candidate who is not successful in completing an ambulance and emergency care course or obtaining a pass standing in an emergency medical care examination? (e) Will the minister consider establishing an association of ambulance driver-attendants which, when set up, could operate on the same basis as the pilot project provided by the College of Physicians and Surgeons for its members and which pilot project calls for periodic re-examination of doctors with a view to requiring doctors to improve in the areas where they are deficient rather than cause dismissal or suspension from the College of Physicians and Surgeons? (f) Will the minister act immediately to extend the August 1, 1979 deadline to allow those driver-attendants who have not yet qualified pursuant to the regulation to do so, so that the already considerable investment in training and experience in these staff members will not be lost. [Tabled June 4, 1979.]

## LAB BILLING ERRORS

**235. Mr. Ziembra:** Will the Minister of Health advise the House how much private medical laboratories billed OHIP each and every year from 1970 to 1978? How much money does the ministry consider was paid in error and how many laboratories were involved in these questionable billings? When will the necessary steps be taken to recover these amounts? [Tabled June 4, 1979.]

**Hon. Mr. Timbrell:** Our response to Notice Paper questions 222, 223, 224, 227 and 235 reads as follows: More time is required to provide this information and answers will be tabled on approximately June 27, 1979.

TREASURY FURNITURE  
INCORPORATED

**225. Mr. Nixon:** How much money was granted or loaned from provincial sources to Treasury Furniture Incorporated of Strathroy? What is the present status of the com-



pany and of the indebtedness? [Tabled June 4, 1979.]

**Hon. Mr. Grossman:** The Ontario Development Corporation loaned \$120,000 to Treasury Furniture Incorporated of Strathroy during July 1971. The loan was fully repaid in August 1972, pursuant to the borrower's going into receivership and upon the sale of its assets.

#### STARCRAFT RECREATIONAL PRODUCTS LIMITED

**226. Mr. Nixon:** How much money was granted or loaned from provincial sources to Star Corporation of Listowel? What is the present status of the company and of the indebtedness? Where is the head office of the corporation? [Tabled June 4, 1979.]

**Hon. Mr. Grossman:** No loans or grants were made to Star Corporation of Listowel. However, the Ontario Development Corporation made a performance loan of \$100,000 to Starcraft Recreational Products Limited of Listowel during November 1971. Final forgiveness of the loan was granted during December 1978. At that time the borrower was operating satisfactorily but was attempting to diversify its product lines as general economic conditions and the cost of gasoline resulted in a downturn in the recreational trailer market. The head office of the company is in Listowel.

#### ECONOMIC IMPACT ANALYSES

**228. Mr. Cassidy:** Will the ministry table a list of (a) new programs, (b) legislation, (c) regulations, for which an economic impact analysis has been undertaken since the establishment early in 1978 of the cabinet policy requiring the production of such studies? Will the minister also indicate the approximate number of man-hours of work spent on each of these studies and the public costs incurred? [Tabled June 4, 1979.]

**Hon. Mr. Henderson:** Additional time is required to prepare the answer to question 228. It is anticipated that an answer will be ready for tabling on June 22.

**229. Mr. Cassidy:** Will the ministry indicate whether or not economic impact analyses

have been done, since the tabling of the budget on April 10, 1979, on major items such as the changes to the Mining Tax Act, abolition of succession duties, the raising of OHIP premiums, the creation of the Employment Development Fund and small business development corporations? [Tabled June 4, 1979.]

**232. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 58, An Act to amend the Retail Sales Tax Act? [Tabled June 4, 1979.]

**Hon. F. S. Miller:** I expect to have the answers to questions 229 and 232 available for tabling on or about June 22.

**230. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 19, An Act to amalgamate the Ministry of Colleges and Universities and the Ministry of Education? [Tabled June 4, 1979.]

**Hon. Miss Stephenson:** Due to the number of questions being worked on by my ministry, this question will be answered on June 22.

**231. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 25, An Act to amend the Labour Relations Act? [Tabled June 4, 1979.]

**Hon. Mr. Elgie:** We require additional time to submit our response to question 231. An answer will be tabled on June 22.

**233. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 77, An Act to amend the Crown Timber Act? [Tabled June 4, 1979.]

**Hon. Mr. Auld:** More time is required to respond to this question. A final answer will be available approximately June 22.

**234. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 89, An Act to amend the Public Commercial Vehicles Act? [Tabled June 4, 1979.]

**Hon. Mr. Snow:** The answer to question 234 will be ready to table on or about June 22.



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No. 75

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Monday, June 18, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

MONDAY, JUNE 18, 1979

The House resumed at 8 p.m.

### VETERINARIANS AMENDMENT ACT

Mr. McNeil, on behalf of Hon. W. Newman, moved second reading of Bill 80, An Act to amend the Veterinarians Act.

Mr. McNeil: Mr. Speaker, the purpose of this bill is, first, to provide for classes of membership in the Ontario Veterinary Association and, secondly, to remove the maximum amount for the penalty that may be prescribed for late payment of annual membership fees.

The Veterinarians Act does not permit any person to practise veterinary science unless he or she is registered to practise in Ontario, except where treatment of animals is being carried out under the supervision of a member of the Ontario Veterinary Association. Until two years ago, the Ontario Veterinary Association granted a temporary registration for nine months under an association bylaw to accommodate certain specific situations. At that time, the bylaw was repealed by the association, which questioned the authority of such a bylaw under the terms of the act.

The dean of the Ontario Veterinary College has expressed concern that since the repeal of the bylaw permitting temporary registration, veterinarians brought on staff from other countries cannot legally perform clinical work until such time as they write and pass the provincial examinations for registration and become registered. The college considers it impractical to cause such personnel to work under the supervision of an association member.

The Ontario Veterinary Association has agreed to pass a bylaw providing a class of registration to cover employees of the Ontario Veterinary College as soon as it is granted authority under the act to do so.

The amendment to provide classes of membership is designed to achieve that end.

The act currently provides authority to the association to set a penalty by bylaw for the late payment of fees, but the penalty is limited by the act to \$25. The removal of a penalty limit from the act would permit the association to establish by bylaw a limit agreed to by its members at its annual meeting.

The proposed amendment dealing with classes of registrations is based on representa-

tion to the Minister of Agriculture and Food by the Ontario Veterinary Association and the Ontario Veterinary College and parallels similar provisions in the Health Disciplines Act with respect to health professionals. The proposed amendment dealing with a penalty for late payment of fees is based on representation from the Ontario Veterinary Association.

Mr. Riddell: Mr. Speaker, we certainly have no difficulty in supporting this amendment. It's something the Ontario Veterinary Association has asked for and it's something that the Ontario Veterinary College has asked for. The OVC has been somewhat vulnerable inasmuch as when it brings in temporary staff or people from outside Ontario who haven't been exposed to Ontario examinations or registered to practise in Ontario, they have not been legally able to practise veterinary medicine at the college unless under the supervision of a licensed or registered vet. In that regard, there is certainly a need for an amendment to the act.

When the amendment to the original act was repealed, it created some hardships for retired veterinarians, or veterinarians who were doing some work other than actually practising veterinary medicine, who wanted to be members of the association. It is my understanding that this amendment would permit these people I refer to to be members of the association and to practise veterinarian medicine if the time came when they so chose.

Concerning the second part of the amendment, dealing with the limitation on penalties imposed for late paying of registration fees, this has been a problem with some veterinarians procrastinating or not getting fees paid on time. Twenty-five dollars does not seem a big penalty for them and this will allow the association to establish a limitation on penalty by bylaw. We certainly don't foresee a problem here.

Had the minister been here I could have asked why he hasn't accepted the recommendations laid out in the Botterell report. He certainly hasn't incorporated many of those recommendations into the Veterinarians Act. It is my understanding the association is at present working on redrafting a new Veterinarians Act. I am sure in that act it will



incorporate some of the recommendations from the Botterell report, because I know some of the veterinarians have spoken to me about separating the two bodies; in other words, the professional body and the licensing body.

At the same time the one association is not only doing the licensing but acting on behalf of the professional group, the veterinarians. They would like it to be set up and structured much like the Health Disciplines Act where we have a licensing body and a professional group. It is my understanding the Ontario Veterinary Association is at present thinking of incorporating this into the redrafting of a new act. I am sure when we do see the new act in the Legislature one of the changes will be two bodies, or a structure similar to that of the Health Disciplines Act. There is no question that the profession wants to see that split, and it sounds reasonable to me that it should have it.

As far as some of the other recommendations in the Botterell report are concerned, I am sure we will see some of those incorporated into the new Veterinarians Act, whenever it does come into the Legislature.

**Mr. Deputy Speaker:** The honourable member is straying from the act before the House.

**Mr. Riddell:** I am not so sure, Mr. Speaker. I am talking about the amendments to the Veterinarians Act and simply saying there was a report that came out some time ago known as the Botterell report. Included in that report were some of the amendments we see here today. For some reason the minister has shied away from incorporating many of the recommendations made in the Botterell report into the amendments to the Veterinarians Act. I am simply trying to encourage the minister to accept the recommendations made by the Ontario Veterinary Association whenever it finishes redrafting the new act.

If the minister sees fit to bring the new act into the House, he will be supporting it. This is a start. The amendments we are dealing with are a housekeeping thing right now. Hopefully some of the other recommendations from the Botterell report will be incorporated into the new act. We will be prepared to debate it at that time.

**Mr. Swart:** Mr. Speaker, I rise to say that our party is in support of this bill, although we have some reservations for some of the same reasons that the member for Huron-Middlesex has expressed. The changes which are proposed are reasonable and necessary on the basis of the present legislation. Certainly since the Veterinarians Act was originally

passed, and even since it was amended, there has been much more specialization in the field of veterinary medicine, as there has been in almost any other field. The veterinarians need to have classifications for that purpose as well as to deal with the special circumstances that exist with veterinarians coming in from other jurisdictions.

Our apprehension is that the bill extends, albeit to a very limited degree, the powers that exist totally with the association and with its college. It is, almost without exception, a self-governing body and really is accountable to no one unless the legislation is changed. In the college there is no representation from the public generally, and it seems to us in this party that, whether it is the College of Physicians and Surgeons of Ontario or the Ontario Veterinary College, there should be a place for a public voice in those bodies.

It is hoped, as has been said by the member for Huron-Middlesex, that there will be a new bill or a bill with some substantive amendments brought before this House in the not-too-distant future. When that happens, we will be taking a very major part in making amendments which we think will meet to a greater degree the needs of the farmers and the citizens of this province.

I think you would likely rule us out of order, Mr. Speaker, if we tried to bring in any of those substantive amendments at this time, and rightly so; we will just have to wait until that bill comes before us. But I would also urge the parliamentary assistant to the Minister of Agriculture and Food to discuss this matter with his minister, and perhaps in the not-too-distant future, in the form of a statement—even before the House adjourns—he might inform this assembly whether there are going to be substantive amendments in the near future and, if so, what form they are likely to take.

**Mr. McNeil:** Mr. Speaker, I would like to advise the House that the minister has been talking to the Ontario Veterinary Association and has told the association that he is quite prepared to put forward legislation to provide for a separate governing body when the association indicates that this is its desire.

I might inform the member for Welland-Thorold that I am told that there are two-way observers now in the council of the Ontario Veterinary Association, although that is not officially provided by legislation.

Motion agreed to.

Third reading also agreed to on motion.

[8:15]



## HUNTER DAMAGE COMPENSATION AMENDMENT ACT

Mr. McNeil, on behalf of Hon. W. Newman, moved second reading of Bill 81, An Act to amend the Hunter Damage Compensation Act.

Mr. McNeil: This amendment would remove from the act the maximum amount of compensation for loss of livestock or other property damage caused by hunters, and permit the amount to be established by regulation. This change is needed because in recent months the value of livestock named in the act has exceeded the amount allowed by the act. Amending the legislation each time livestock values fluctuate, as the honourable members can understand, is a cumbersome procedure which can be overcome if amendments are made by regulation instead.

Mr. Riddell: We certainly support this amendment. Again, it is a case of seeing a fluctuating market, and it is going to continue that way. Rather than have to come into the Legislature every time to amend the maximum compensation rates, it would simply leave it up to regulations, and I think this is only feasible. If we take a look at beef prices today, they have escalated away beyond what the maximum compensation permits now, and we certainly do have to initiate a change and do it right away. If we give the minister authority to do it by regulation, then these changes can be made as the market more or less fluctuates. So, once again, we certainly support this amendment.

Mr. Swart: I looked over this bill, and the subsequent bill to follow, with a fine-tooth comb and I couldn't find anything we could actually oppose in it, nor could I find anything that really should be amended. However perhaps I would qualify that. Certainly the figures set in any bill are in danger of not being relevant to the situation that exists at the time when cattle or livestock of any kind are killed. It is much better to have it by regulation.

I am not sure, even if you set it by regulation, that this type is the most desirable, unless the maximum is set very high. There are cattle, more and more, that are in a class by themselves and worth thousands of dollars. If you set a general average as the maximum for cattle it will not adequately compensate the farmer who has the pure-bred that may be worth several thousand dollars. Perhaps the maximum should not be there, but should be left to an evaluator to determine the actual value of the cattle or

the sheep or the swine. However, once again, that is a bit outside the scope of this bill.

I would like to ask the parliamentary assistant one question: In the Hunter Damage Compensation Act as it exists at the present time, any payment that is made by the province under this act is to have deducted from it the amount of compensation a farmer or the owner of the livestock may receive from an insurance policy he or she may have.

In looking rather quickly over the subsequent act, which we will be dealing with in just a moment—and you will forgive me, Mr. Speaker, for referring to it, but they both deal with the matter of compensation for livestock and poultry—it doesn't have any clause similar to that. At least it doesn't appear to have. I am wondering why it dealt with one case one way and another case another way. Perhaps the parliamentary assistant could speak to that when he rises. If my observation from a very quick glance at the two acts is correct, perhaps that should be remedied.

Mr. Haggerty: I would like to address myself to Bill 81, An Act to amend the Hunter Damage Compensation Act. I appreciate the introduction of the bill and it certainly will resolve some of the problems rural people face. Sometimes a hunter will enter upon property and there may be cattle or other animals shot.

I notice the amendment says it will provide compensation "in respect of various species of livestock." I wonder if the act covers everything produced on a farm today. Sometimes hunters cross fields and do quite a bit of damage even to grain and vegetables. Sometimes there is a drive with five or 10 dogs and about 20 persons to control wolves or foxes, and there can be quite a bit of damage done to personal property. I am talking about fences and other areas that may not be covered under this act; I do not think they are. This act just deals with livestock.

An hon. member: And other property.

Mr. Haggerty: "And other property." Perhaps there are regulations that give it more detail as to whether it includes other personal property. I have had instances brought to my attention where there has even been damage done to farm equipment such as tractors—a tire was accidentally shot out. Maybe the hunter thought he saw ears or horns sticking out; I do not know. I just call that to the parliamentary assistant's attention on second reading of this bill.



It pretty well covers every area in the agricultural industry where damage is done. In a number of instances the hunter does enter the land without permission. I suggest, based upon that, whoever issues the licence for the hunter to go out and hunt or kill different wild animals, I think there must be some responsibility on the other side to say that where damage does occur on farm property, whether to animals or personal property the farmer should be compensated for that damage or loss.

**Mr. McNeil:** Mr. Speaker, the minister will make regulations as soon as the bill is enacted to increase the amounts of compensation. The industry will be consulted as to those amounts.

I might also respond to the member for Erie that damage to crops or other damage will be covered under the new trespass act.

To the member for Welland-Thorold, the amount of insurance received will be taken into consideration and deducted from the value of the livestock.

**Mr. Riddell:** Does that pertain to other acts as well? I think his question was why is that not found in the other acts? Is the parliamentary assistant saying it is being put in the other acts?

**Mr. McNeil:** It is placed in this act.

**Mr. Riddell:** Does that apply to any of the compensation acts?

**Mr. Deputy Speaker:** Order.

**Mr. McNeil:** I may have to get that clarified.

I am also informed that farm equipment such as a tractor, if damaged by a careless hunter, is covered.

**Mr. Haggerty:** Under what act?

**Mr. McNeil:** Damage to fences or crops is not covered but will be, we expect, under the new trespass act.

Motion agreed to.

Third reading also agreed to on motion.

#### DOG LICENSING AND LIVE STOCK AND POULTRY PROTECTION AMENDMENT ACT

**Mr. McNeil,** on behalf of Hon. W. Newman, moved second reading of Bill 82, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act.

**Mr. Makarchuk:** Another memorable piece of legislation.

**Mr. McNeil:** In this case, as in the hunter damage legislation, compensation as set out in the act no longer relates to the current market value of the livestock and property

covered. Hereto, the government deems it advisable to establish compensation by regulation limited to the market value of the items at the time the loss occurs.

I would like to point out that the act as it stands allows compensation for rabbits and fur-bearing animals to be set by regulation. This amendment would make the compensation provision apply uniformly to livestock, poultry, bees and hive equipment as well. In this act the amount of compensation, similarly as in the other act, would be reduced by any insurance money received by the owner of the damaged property.

We believe these amendments will enable us to avoid the lengthy delays involved in legislating compensation rates every time market value alters. Such delays are not in keeping with the purpose of the original legislation.

**Mr. Riddell:** Mr. Speaker, this is simply performing the same function as the previous amendment just discussed. It never ceases to amaze me how this government is always looking for a cure rather than a prevention. Every day I come into this House and look across the other way, I am reminded of a comment I heard one time where somebody said: "Down in America, they tell a lot of political jokes. Up here in Canada, we elect them."

I have to think there is a certain element of truth in this. Last year when I introduced a predator control bill, which was to get the government involved once again in trying to control predators so that we don't have to be paying out compensation for livestock that have been damaged by dogs and wolves, such a bill got the support of the farm organizations. I know they wrote to the minister and told him they were highly supportive of the bill. But why do we keep passing legislation setting maximum amounts of compensation by regulation, instead of by legislation, for livestock damaged by predators, rather than getting something done about controlling the predators?

I ask that the parliamentary assistant to the minister convey to the minister that he should be acting on a predator control bill. I think some of those municipalities that are still paying bounties are doing it illegally. We can't seem to find anywhere, even under the Municipal Act, where municipalities can legally pay bounties for dogs, wolves and other predators that are destroying livestock.

In connection with this act, I might indicate to the parliamentary assistant that there was a pretty irate farmer around to see me over the weekend. His purebred ram was killed by a dog just at the time he turned it



out with the ewes at breeding season. He was hard-pressed to find a ram and, finally, he had to settle on a grade lamb, which meant that he ended up from his purebred flock of ewes with grade lamb. As the parliamentary assistant well knows, one should be able to get somewhere in the vicinity of from \$50 to \$75 more for a purebred lamb than one should for a grade lamb.

[8:30]

He brought this to the attention of the minister and indicated to the minister he should be compensated for his flock damage. The damage in this case was he wasn't able to get purebred lambs out of those ewes, having to resort to a grade lamb. The minister wrote back and said, "There's nowhere under the act where we can pay that kind of compensation." I really think a farmer should be compensated for flock damage. If dogs get into a flock of ewes and maybe kill some ewes, he's going to be compensated for those, but if the dogs got in with the ewes just about the time the ewes are ready to lamb and the ewes either aborted or they gave birth to deformed lambs that would eventually die, then there doesn't seem to be any compensation for that type of thing. There is compensation only for those ewes that were actually killed or had to be destroyed because of injuries caused by dogs and wolves.

I'm just wondering if the parliamentary assistant doesn't think there should be some kind of compensation for flock damage. If he does, would he talk to the minister and talk to the ministry officials to see if they would reconsider that case brought to their attention by this farmer—who happens to be from Middlesex county. The farmer brought this matter to the attention of the member for Middlesex (Mr. Eaton) and the member simply wrote him back and said, "I brought this to the attention of the minister and the minister says nowhere under the act can he find any compensation for flock damage."

He wasn't satisfied with that answer and he came to somebody he knew could get answers for him.

**Mr. Turner:** What did you tell him?

**Mr. Riddell:** I told him, "You came at an ideal time because we're going to be discussing this very thing in the Legislature this evening." I simply draw that to the parliamentary assistant's attention, and I would seriously ask he give reconsideration to this farmer who, because of dog damage, had to resort to a grade lamb and had to take a lot less money for his lambs when he sold them.

**Mr. Swart:** The discussion by the member for Huron-Middlesex, I think, follows on the

suggestion I made earlier that, in fact, perhaps it's not fair to set limits on the payment made for livestock. The more I think of it, the more I am convinced there should be valuers who determine the remuneration when livestock is killed. There can be so many varying circumstances, as was pointed out by the member for Huron-Middlesex, that you just can't put all of those circumstances in regulation.

There is, as I mentioned previously, a great variety in the type of livestock, in the quality of that livestock, in the condition of that livestock at any given time, or the purpose of that livestock. I don't know whether "yos" or "yous" is the correct pronunciation.

**Mrs. Campbell:** There you are. You see, you don't know what you're talking about.

**Mr. Kerrio:** You'd make a fine famer, Mel.

**Mr. Swart:** When I was on the farm we called them "yous." I think that may be right, but if you have a number of ewes and have a ram, there's a particular time when that ram is a great deal more valuable than he is at other times of the year.

**Mr. Conway:** That's a startling deduction.

**Mr. McClellan:** To say nothing of bees.

**Mr. Swart:** Therefore, there should be that kind of flexibility in the valuation and even regulations will, I'm afraid, not provide it.

I too, on this bill, would like to ask the parliamentary assistant if he can give us any indication of the amount of money received by municipalities when they collect from the owners of the dogs or the other animals that destroy the livestock. This has a bearing, of course, when we're going to be markedly increasing the maximums and the average amount being paid to the farmer or to the livestock owner.

I would like to know what percentage, if, in fact, in most municipalities there really is any follow-up whatsoever in trying to ascertain the owners of the dogs that destroy the livestock or the chickens or the bees, or whatever the case may be, under this act. Under this act, unlike the previous one, it is the municipality that has to pay these costs and, therefore, it is important to know what municipalities are recovering from the owners who are at fault.

I mentioned that the act dealing with the compensation for hunter damage has a clause in the act that there is deductibility for any insurance carried by the owner of the livestock. However, I didn't mention that this act which we have before us, of course, now puts that clause in, so there will be the same clause in both of the acts. I have



looked that over and have to apologize that inadvertently I had missed that.

I just want to summarize by saying that I think the intent of this act and the previous one, because they are similar, should be that the farmer or the livestock owner, usually a farmer, should be reimbursed for the market value of that livestock at the time that it is destroyed or damaged. This bill goes part-way towards that, I say to the parliamentary assistant, but it does not have the necessary flexibility to ensure that that will be the case.

However, because it is an improvement, is there a likelihood that there will be a comprehensive bill brought forward on this matter similar to the act dealing with hunter damage? Am I to assume that this is correct? At that time we will be moving the amendments which, hopefully, will be in order when we have a more complete bill before us to assure that appropriate compensation is given to the farmer.

**Mr. Haggerty:** I want to speak to Bill 82, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act. It seems that Bills 81 and 82 could almost be combined as a Live Stock and Poultry Protection Act. By combining the two you could have hunters and wild dogs or dogs included in both of them without having all the red tape to go through two particular bills that are almost serving the same purpose.

I think my main concern about this particular bill is that if one looks at the explanatory note the act also provides for compensation to be paid where bee colonies are damaged by bears. The maximum amounts payable are set out in the act.

I suggest to the parliamentary assistant that he should be looking perhaps at an amendment to include compensation where you have a number of beekeepers in Ontario who move a colony of bees from one community to another, from one area to another, which does cause some difficulties with local beekeepers in the area. You can have what are known as killer bees come in. They will move them in at the particular time that the honey crop is almost ready to be taken off the hives or the colonies. They will move in these transient bees, I guess you would call them, and the first thing you know they are robbing the honey and killing the colonies of bees.

I think the parliamentary assistant should have something in this bill that would protect these beekeepers from that particular type of bee operation in Ontario.

I hope the parliamentary assistant will consider that, because I find there is a lack of bee inspection to ensure that colonies of bees are healthy. I suggest there should be compensation in this area, not only against bears but against those persons who are transporting bees into an area. It's been brought to my attention that in one particular area close to my place a chap has a habit of bringing bees in every year about the same time, and the local beekeeper loses his crop and loses his bees.

The other area I support the two previous speakers on is where it says "the municipality shall be liable to an owner for an amount in respect of" not more than \$500. That doesn't cover the actual value of particular livestock if you get into registered cattle, or even thoroughbred horses. It will not cover the loss.

This is one of the difficulties I found in my experience on council. Under the Dog Licensing and Live Stock and Poultry Protection Act usually a municipality would pass a bylaw, and I believe at that time it only covered a certain weight of poultry. For example, you could have prize geese or turkeys where one bird would weigh almost 25 pounds as spelled out in the bylaw, but they could never be compensated for it.

I suggest we should single out any one of a particular species of animals or poultry that should be included here that they should be compensated fully for. I see we have rabbits in now, and often persons do carry on this farming business. It is profitable, but often they do have a number of losses in this area due to wild dogs or just an ordinary dog that perhaps may go astray some time and may cause some loss to a particular animal.

In section 1(f) it says: "Poultry of one owner killed or injured in any year in excess of \$1,000." I don't know why we would have \$1,000 in there. I don't think there should be any limit at all. If a dog happened to get into a poultry pen I think he could kill 20,000 birds and the \$1,000 would not cover it. I suggest that perhaps there shouldn't be any limit on the loss of a particular animal—\$500 or \$100, whatever it might be. I think it should be perhaps set at the market value of the day, whatever the cattle or cow may be worth. We may be dealing with a pure-bred animal that may be worth \$6,000, and we could be dealing with another one, a grade cattle, that's only worth about \$1,200 or \$1,400 in today's costs.

I suggest that the parliamentary assistant consider some of the comments of the previous members and what I've brought to his



attention, I think there are many areas where the bill could be improved.

**Mr. McNeil:** Mr. Speaker, flock damage includes compensation for a reduced lamb crop or dead lambs that result from an attack by dogs or wolves. However, reduced value due to the fact that it would be necessary to replace a purebred ram by a grade ram isn't covered under the act.

**Mr. Riddell:** They couldn't stretch it to cover it?

**Mr. McNeil:** That would be pretty difficult, I think. I think the honourable member realizes that too.

Members may be interested to know that payments by the province for wolf damage total approximately \$100,000 per year.

Compensation for losses caused by dogs are paid for by the municipality. In answer to the member for Welland-Thorold, it's very difficult to identify the dog. One almost has to shoot the dog at the scene of the destruction and if he's tagged one can trace it to the owner. But in most instances it's pretty difficult to identify the dog. Consequently, there is no record of who the owner is. It's very seldom that we're able to recover losses from the dog owner.

[8:45]

**Mr. Ziemba:** Why don't you just follow the dog home?

**Mr. Riddell:** You can follow the dog home but you have to open its mouth to see if there is any wool in its teeth.

**Mr. McNeil:** That's right. After the dog leaves the scene of destruction, it's pretty difficult to prove that it was even there.

The proposed amendment will allow the maximum compensation rates to be set by regulation. It is intended to increase the present maximum awards to reflect current values. I am informed that a minimum of 50 pounds of poultry must be killed or injured before compensation will be paid.

Motion agreed to.

Third reading also agreed to on motion.

#### NEWFOUNDLAND ELECTION

**Mr. Gregory:** Mr. Speaker, on a point of personal privilege, I think it should be brought to the attention of the House that the forecast in the Newfoundland election shows that the Conservative government will be re-elected with 34 seats, the Liberals will have 18 and the New Democrats once again will have none.

**Mr. Bolan:** We want to be the first ones to form the next Liberal government anyhow. We don't mind that at all.

**Mr. Gregory:** You will have a long time to wait.

#### PROVINCIAL COURT (CIVIL DIVISION) PROJECT ACT

(concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 113, An Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions.

**Mrs. Campbell:** Mr. Speaker, I regret I was not able to be in the House at the time this bill started into second reading, nor have I had the opportunity to read Hansard to ascertain just what statements were made at the time it was introduced for second reading.

I would like to state that I was very appreciative of the opportunity to meet with the Attorney General (Mr. McMurtry) and with his parliamentary assistant in advance of this act being introduced for debate. I raised a number of concerns. The first concern I had was with reference to the jurisdiction. The Attorney General advised me that it was his ministry's position, obviously, that this bill was not ultra vires. The reason he gave me was that this jurisdiction has had approval in the province of Quebec. I, therefore, am prepared to accept that statement.

I would like to state that as far as we are concerned the philosophy of the bill is one which we approve. I don't know whether any statement was made with reference to legal aid, but it certainly is one of my concerns that in small claims court, at the present time, it is difficult, I'm advised, to obtain legal aid. Certainly, with the jurisdiction increased to \$3,000, I will have to tell you, Mr. Speaker, that for most of the people in the riding of St. George, \$3,000 might almost as well be the Hydro debt. I trust they will be able to have appropriate legal aid for representation in this court. I would hope that statement has been clearly made by the parliamentary assistant in his discussions of this particular bill.

I am sorry we are not able at this time to see what the rules committee is going to produce in the way of rules because, once more, it is difficult to debate a bill in the absence of any kind of concrete knowledge. To most of us, there has been a feeling that the development of the small claims court and the reform of it has been, shall we say, rather long overdue. Certainly, some major



moves have been made in the fact that in Metropolitan Toronto we now have full-time judges for this court.

This is, of itself, useful. I understand this is one court, one court alone and we will continue with the other small claims courts across Metropolitan Toronto, and this one will be, as it is indicated, a trial balloon, as it were.

At this time there are many people who experience a great deal of difficulty, not only with the formalities of our courts and our court systems, but with the costs. It is for this reason we are prepared to accept the philosophy of the bill as it is before us, but I think it only appropriate those concerns should be expressed at this time.

**Mr. Lawlor:** From time immemorial, the Liberal critic down through the centuries, and certainly myself throughout many years, have had sharp things to say about the small claims courts in this province as being collection agencies, as being dependent upon credit houses of various kinds as their emissary and as their agent.

It is an egregious phenomenon. It is the one area in which justice, the courts, that most public of public institutions, was in private hands. With the government members' mania of trying to privatize everything, I can't help but rejoice tonight that they have reversed their position, at least in this particular area and at least in Metropolitan Toronto. In other words, for the first time they are giving cognizance to seeing the public interest in the administration of justice at that lowest level of the courts where a very large number of citizens, far more than ever appear in a county or supreme court, have to appear in order to have justice administered.

To be in the hands of court clerks who are the owners of their establishment and who are to a considerable extent outside the jurisdiction of the members opposite, who paid their own secretaries, who had bailiffs under their immediate control, is an anachronistic system in the extreme which has perpetuated itself down.

When they come to grapple with it, they do everything these days upon the basis of an empiricism. They never do anything across the board and forthrightly, everything is a pilot project. They are mad on experiment, with little courage with respect to projects.

By the way, I want to take exception again and castigate Arthur Stone, my dear friend, on the title of this thing. I almost moved an amendment on this thing, say for the establishment of a provincial court, civil division in Metropolitan Toronto or something. What is this all about?

With the cost of public printing, what is being expended in printing alone at this particular point would supply each of us with a dinner, perhaps even for one week. In any event, I would like to hear some justification for the minister's portentous title in this particular regard.

At the provincial courts level we have established a family court, and we are moving into a pilot project in the Hamilton area with respect to a unified concept having a very broad range of jurisdiction affecting family matters of all kinds which at present are divided into 16 different courts with respect to juvenile offenders and those who are less than offenders, the young people in trouble. We have set that up for some time past.

The most populated courts in the province by far are overwhelmingly the provincial courts, criminal division. Every court, as far as I can see, and certainly in this area, is loaded to the doors every morning of the week; so they have to begin earlier and earlier in order, first of all, to take the two and a half hours necessary to get the adjournments before they can start the work of the day. With everybody crowding to try to get out of there by three o'clock, there is not much time left. But those courts are the pivotal courts in the whole province. Now the government is launching into a scheme to set up the civil side of the thing and wants to expand its jurisdiction in monetary terms to \$3,000, which is fine.

I would have only two or three nostrums in this regard. The Small Claims Courts Act or, as it previously was known, the Divisions Courts Act—when the government set up a divisional court, it had to give it a different name so the lawyers wouldn't get confused; sometimes I get confused to this day. In any event, it was set up. The old Divisional Courts Act had special clauses in it with respect to such wording as courts of equity and good conscience. It meant—but not for all the judges who sat in it, by any means. I won't mention names. The particular judge I am thinking of is dead; so let him rest in peace tonight. In any event, he thought he was in the High Court of Justice even when he was in the low court of relative injustice.

Equity and good conscience meant that a certain informality ran that court. The rules of evidence were not as strictly applied; there was guidance for the poor devil who came in without a lawyer to face all the plaintiffs in the court—I am thinking again of the credit agencies—who sent their lawyers. As a matter of fact, when I first started practising law that's what I did. I think it was \$10 a shot and take as many as you can;



It would be quite a few in a day. Maybe I shouldn't mention that; it's one of things that I have to live down. In any event, it supplied the rent money at the opening of the practice.

The bulk of such individuals appear without lawyers. In Quebec, as the minister well knows, they will not permit lawyers to go to that kind of court, which I thought was an enormous advance along the line of Thomas More's Utopia. He said: "The first step in social justice is to abrogate and cancel out the legal profession." Thank heavens our friend is not here tonight. He was one of the greatest lawyers of them all; he ought to know.

When the individual appeared, he would not know the strict rules, but almost invariably the judge would guide him along, take him by the hand, permit him to ask his questions in the best way he could set them up. He would testify with a feeling of security and of not being under undue pressure, particularly with somebody malignly seeking to upset him in the witness box. The judge acted as a buffering mechanism between the witness and the cross-examination. He was given time and patience and kindness in the process of trying to set forth his case, and was given a good hearing. Everything didn't turn up an iota and all t's were not being dotted. That is the way that court should and must run.

[9:00]

It remains his intent to leave a goodly measure of flexibility. He can't have chaos, but his intent is a goodly measure of flexibility in that all those onerous and clever rules that have been set up over the centuries, most of them are completely useless with respect to extracting the truth, and they serve only one purpose—to suffocate it. That is the next major project, I trust, that is afoot around here. I would like to see that Evidence Act really worked over, but I suppose we are waiting upon Williston, to see what he might suggest in this regard. I won't prejudge him in this particular matter, although I doubt whether we will see any miraculous new nostrums as to how evidence may be handled in our courts.

The parliamentary assistant mentions in his section 2, which could have been a preamble, I suppose, the purposes of the act. It is for the development of simplified procedures and of methods of making civil remedies more accessible and reducing the delays. Of course, by an amendment he will put in there, "and reducing the costs magnificently," or something like that, which will really upset people. If he moves into that area with these particular intentions, then I give him

every credit. This court would be a welcome addition.

Just before I sit down, I want to repeat that bringing it within the ambit of the direct surveillance of the Attorney General and of the government, et cetera, recognizing in other words, that tonight we are doing the signal act of provincializing one of the chief levels of our courts in this province, is a worthwhile and monumental act. I welcome it. I am not going to go too much out of my way to give the parliamentary assistant accolades; we waited too damn long.

**Mr. Sterling:** This has been debated over a period of two days, and so I respond to the members who spoke not only this evening, but who spoke last week on this bill.

The member for Kitchener (Mr. Breithaupt) asked in his remarks if we could comment in relation to the rules which the advisory committee would draft. We can't predict all of the things, or all of the directions the advisory committee will take. We hope they will keep in mind when drafting rules, the purpose or the intent of the act, as outlined in section 2, but we do envisage the thrust of the rules will make the proceedings simpler and less technical, and especially less technical in the pleading portion of the trial procedure.

We hope they will provide mediation services and pretrial hearings where we have precedence now in the small claims court in the county of York and in the referee's operation in the Supreme Court which is now ongoing on an experimental basis. We hope to enforce time limits more strictly so that there will be less delay involved in bringing these civil cases to a hearing. We also hope that the rules of evidence will be relaxed in certain cases and subject to a judge's discretion.

We heard some interesting comments and interesting suggestions in relation to the advisory committee and the composition of that committee. In drafting section 8(1) and outlining the seven appointments, we had left two members of the committee who were not specifically defined in that particular section, to allow us some latitude in appointing people from the public. The Attorney General will take note of the comments made in the Legislature as to the interests of perhaps a consumer-oriented person being placed on this particular advisory committee so that we can have that end of the spectrum properly represented. It is likely that someone who is sitting on the civil procedure committee which is at present redrafting the rules for the Supreme Court will also be placed on this committee so that rules that will be outlined for this new civil court will line up



more or less with the rules that are being created for the Supreme Court.

As to the report of the advisory committee to the Legislature which was brought up by the member for Scarborough-Ellesmere (Mr. Warner), we feel that the Attorney General, in being responsible in the Legislature every day and responsible to answer questions as to the success of this court, would provide members of the Legislature the opportunity to ask that question at any juncture they might wish. Therefore, I feel it would be difficult to place in the bill a definite time limitation as to when it would be appropriate to ask for a report from the advisory committee. I am sure the Attorney General will be more than pleased to provide that information at any time a member of this Legislature asks for such a report.

The member for St. George was unable to be in the Legislature last week as I believe she was sitting on a committee at that particular time. I did not at that time mention some of her concerns. She will not find them in Hansard because the hour was getting late and I did not think we would get to finish the debate. I thought it more appropriate, if she had a chance to be here, to answer her directly.

As we have indicated, we believe the jurisdiction is within the provincial boundaries of the constitution in this particular area and that we do have the power within our jurisdiction to create this court. Under the Legal Aid Act at the present time the section which would cover this particular jurisdiction is a discretionary section. I can understand the member for St. George's concern about it. Subsequent to her request we contacted John Bowlby, chairman of the legal aid committee. He assured the Attorney General that the creation of this court would not limit in any other way the present rights of individuals to apply for legal aid under the existing system. In effect what Mr. Bowlby has said to us is that the policy will not change in regard to claims which would fall within this increased jurisdiction.

I think I mentioned earlier, as it was brought up by the member for Kitchener, the thrust of the advisory committee, the rules that would be created by that advisory committee, and what we expect that advisory committee to produce in terms of rules. I would therefore expect my answer in relation to his first point would probably answer the member's concern as well.

With reference to the member for Lakeshore who brought forward the problem of our small claims court and the fact that the

administration would fall outside the private sector in this particular act, I must say I agree with him 100 per cent, in terms of saying this is one part of this government's policy which perhaps should be reversed.

**Mr. Warner:** What an admission.

**Mr. Sterling:** I would think that in order for the small claims court in future to become more accessible to individuals and for claims to be dealt with in a fair and equitable way, in my view the small claims court should be under the wing of the administration of justice as is the case with the other courts.

I do think there is much room within the small claims court and this new provincial court to explore new avenues where we can cut down the use of lawyers in small monetary matters. I would hope this court will lead to further revisions in the structure of the small claims court and that it will be more accessible to consumers.

Motion agreed to.

Ordered for committee of the whole House.  
House in committee of the whole.

#### JUDICATURE AMENDMENT ACT

Consideration of Bill 111, An Act to amend the Judicature Act.

Sections 1 to 3, inclusive, agreed to.

On section 4:

**Mr. Warner:** I raised some concern on second reading and I would like to explore it a little bit. The terminology used in the bill is that the interest may be "at the prime rate established in the same manner as for the purposes of section 38."

Section 38 of the act says, "interest which is now payable by law, or in which it has been usual for a jury to allow." What I was trying to get at was the rate that is "usual." I am no expert in this, but it seems to me that the rate for a long time was established at about five per cent and then was adjusted to, currently, 10 per cent.

What I would like to know is when it says "prime rate," if that is pegged into the prime rate as established by the Bank of Canada, or is there some other definition? Secondly, if there is that kind of definition, should it not be in the legislation, or should it at least be in the regulations; that when you say "prime rate" you mean such and such, the prime rate of the Bank of Canada or whatever it happens to be. I would appreciate having that clarified. [9:15]

**Mr. Breithaupt:** On the point that the member for Scarborough-Ellesmere raises, it's my understanding that the Interest Act is a fed-



eral statute and, therefore, prevails if interest is set out and no particular amount is mentioned with respect to interest. I recall that for years that was five per cent. The member for Scarborough-Ellesmere mentions it has been amended since. That is news to me.

It would seem to me that the prime rate that he does refer to would in fact be the commercial bank rate, which at the present time is 12 per cent. Since the Bank of Canada does not lend funds, I would have presumed that we're dealing with a consumer rate here because surely if a judgement was paid, that person could deposit the receipt of that judgement in a savings account and should no doubt at least receive that prime rate. If the rate for that savings account or the rate at which money could be lent with no difficulty would not be received, then indeed it would be a penalty for a person to have to wait in order to receive the payment of a judgement.

I would expect that it is clearly the intention of the government and indeed of this House that judgements not be delayed so that interest which could otherwise be obtained, if that was the wish of the successful litigant, would be able to be received promptly. If that is the case, then I presume the interest rate is that prime banking rate for a commercial bank. If it's not that, then I share the concern of the member for Scarborough-Ellesmere and the matter perhaps should be more clearly defined.

**Mr. Sterling:** I think I know where the confusion may come from. I would say to the member for Scarborough-Ellesmere if he looks at the amended section, which was amended in November, 1977, that may answer his questions. He'll see at the top of the section, which I have sent over to the member, that prime rate means the lowest rate of interest quoted by chartered banks to most credit-worthy borrowers for prime business loans as determined and published by the Bank of Canada. That's done on a monthly basis.

Therefore it's well defined. Was there a problem in terms of getting the amended section?

**Mr. Warner:** The problem is clearly mine. You won't find this too often, I assure you. I was using the 1970 Judicature Act, chapter 228, section 38, and had inadvertently overlooked that section having been amended in chapter 51, 1977. I apologize for whatever confusion I may have caused not only yourself but the hard-working people who bolster you.

**Mr. Lawlor:** There have been members of the legal profession who have been known to do that.

**Mr. Breithaupt:** There are still some using the 1960 RSOs.

Section 4 agreed to.

On section 5:

**Mr. Deputy Chairman:** Mr. Sterling moves that section 48(1a)(b) of the act as set out in section 5 of the bill be amended by striking out "the judge" in the first line and inserting in lieu thereof the Chief Justice of the High Court or a judge designated by him."

**Mr. Sterling:** Perhaps I could outline the reason for the amendment. The purpose of the amendment is to provide clearly that the Chief Justice of the High Court will hear applications for a hearing by a single judge sitting as the divisional court. It will allow the chief justice to make proper scheduling arrangements for the sitting of that individual judge. It was thought it should be the chief justice who should be making that judgement call, or someone designated by him.

**Mr. Lawlor:** The effrontery of this ministry will know no bounds. They have not listened to my *cri de coeur* in this matter and they have side-stepped it, tried to make an end run—whatever the football lingo is. Since the Attorney General is a great football fan and player, I am sure he adopts the strategems of the game.

I am concerned with two things: First, it is a fairly arbitrary power, and I wanted some kind of clause on the consent of the parties. As I say, that has been circumvented. I trust you gave it good consideration because it is contained in many places. The parties in most circumstances wish their cases to be tried and got over with. If the gravamen of the case is such as to lend itself to an expeditious treatment, they bow their heads. A judge ought not to be placed in a position of imposing the hearing upon them.

Second, there is nothing here—although I suppose in natural justice it might be; I'm a little perplexed about that—precluding as it did previously the judge who did the designating from also being the judge in the substance of the case on the appeal. That ought not to be.

If part of your move to the chief justice is to overcome that—that is, the likelihood of the chief justice sitting on one of these cases is somewhat remote—still the judge he designates I trust would not be the judge who would be sitting on the matter. I would like some assurances in that regard and bland assurances will not be enough.

Do you not think the legislation should be worked out and given explicit statement to debarring that possibility from taking place? It is very high power indeed to arrogate to



yourself the disposition of a case, saying that you alone will determine it, and then proceed to determine it. This is a court of appeal. This is a court with at least three judges normally sitting.

While I am quite aware of the wait in that court, the number of cases and the need and necessity at this time in history to expedite proceedings within that court, are you not letting money be your guide? It is the tendency in all areas of government—but it must not be allowed as far as I am concerned particularly to obtrude upon the administration of justice—that money is the guiding nostrum and the norm by which you operate.

So I would like you to answer why you did not include the consent of the parties as one of the criteria in the matter and, second, whether the rules of natural justice in your opinion preclude a judge sitting on his own case, on his own decision.

**Mr. Sterling:** I think the major objection to including consent of the parties in this particular act would come about in this way. The section is designed to take care of an out-of-town situation, where one can't convene a panel of three high court judges to sit as divisional judges. If consent of the two parties was required, it would leave one of the parties, who perhaps wanted to drag his feet on the appeal, in a very strong position. In other words, if there were an appeal from an Ontario Highway Transport Board decision, it might very well be in the interests of one party to drag his feet as long as he could. That, therefore, would defeat the purpose of the particular section if it required the consent. That would be the major objection to that.

The only objection I can see in terms of the other point is that in a manner it could be a method of selecting the judge that might be hearing the divisional court trial.

**Mr. Lawlor:** The second point is that the judge, as you have amended it, and no doubt the chief justice, will in many instances designate a judge to say that this particular case should take the expeditious route. Would he be the same judge as is hearing the appeal? I think he ought not to be. He's had to peruse and analyze to some degree the evidence in the case in advance of the matter, and make certain judgements with respect to the weight of that case. In other words, he may have formed some fairly basic opinions in order to say that it's the sort of case that should be subject to this treatment. Then for him to go in and sit on it, it seems to me, is a mistake.

**Mr. Breithaupt:** I share to a degree the concern which the member for Lakeshore has

raised. I think that the point of having someone sitting in on the expedition of the appeal and possibly sitting then on the case itself is something which we should attempt to avoid.

It may be difficult to give instructions to the Chief Justice of the High Court or one of the senior judges involved as to how this routine may be handled. I would, however, hope that the ministry would at least consider discussing the matter with the Chief Justice of the High Court so that there is some understanding of the concerns which have been expressed by the member for Lakeshore and by me.

This is likely to be an administrative matter which will not cause particular problems. But I would hope that any possibility that problems might be caused could be avoided. If that can be done, then I would be prepared to have the amendment pass, with the understanding that our concerns will at least be remembered and, hopefully, no particular conflict will develop because the administrators of this particular section will remember what those concerns were.

[9:30]

**Mr. Warner:** Following along those lines, there seems to be at least three different points raised here. On one of them I had tentatively thought about an amendment along the lines for section 48(1a)(b) of the act as set out in section 5 of the bill, because you've reduced the three to one, to add in a little part that says "can and ought to be heard by a judge sitting singly, provided that both parties agree." There must be some cases where it is advisable to have three judges sitting on the matter. That would not only allow flexibility, but also it would ensure that the parties are agreed as to why there should be only one judge instead of three.

Obviously, I do not want to place the amendment. I would like some explanation from the parliamentary assistant. If I can get that clear in my own mind, perhaps we will not have to amend it. I am curious to know why the wording has been left the way it is without writing in the provision that both parties should agree.

**Mr. Sterling:** Mr. Chairman, I thought I outlined that in replying to the member for Lakeshore. There is a significant problem in terms of requiring the consent in that one party could unduly delay the hearing of the trial and, therefore, do away with the entire thrust of the section. For instance, if there is only one High Court judge in Sudbury and you want to have a divisional court hearing on a very important matter that should come



on very early, then basically one of the parties, if it is advantageous to him, could withhold his consent and, in effect, delay the matter from coming to trial.

The other one is a little harder to answer; that is, the objection in terms of the Chief Justice of the High Court, or a designated judge, not sitting and, in fact, hearing it as a divisional court judge. I would hope, and it is our belief, that it would not be the practice of the High Court judge to use his discretion in that manner.

The only problem with that, in terms of the statute, is that it would limit that possibility if both parties wanted that particular judge and that was okay by everybody involved in the situation.

My answer on that particular matter is that we would not expect the High Court judge, or a designated judge, to sit on the case which he had designated one divisional court judge to hear. We just do not see any real necessity to put it within the terms of the legislation.

Motion agreed to.

**Mr. Deputy Chairman:** Shall the section, as amended, stand as part of the bill?

**Mr. Lawlor:** Except that the member for Kitchener is an overtly, almost grotesquely trusting soul; he is relying upon some whispering in ears and saying the right word in the right place or dropping the hem of the garment. Tonight, I am prepared to go along with him, curiously enough.

**Mr. Breithaupt:** Perhaps we can just agree that, whatever the discretion is that will be used, it may not necessarily be because we are short of judges that the parties might choose to have the same judge deal with the matter. We have shared our concerns and I would expect, administratively, the thing will probably sort itself out.

Section 5, as amended, agreed to.

Sections 6 to 8, inclusive, agreed to.

Bill 111, as amended, reported.

## COUNTY JUDGES AMENDMENT ACT

Consideration of Bill 112, An Act to amend the County Judges Act.

Sections 1 to 5, inclusive, agreed to.

On section 6:

**Mr. Deputy Chairman:** Mr. Sterling moves that section 6(6) of the act, as set out in section 6 of the bill, be amended by inserting, after "may" in the first line, "subject to the authority of the chief judge."

**Mr. Sterling:** The purpose of the amendment is to clarify that the senior judges' dis-

cretion, regulation and supervision over the other judges is subject to the authority of the chief judge. We just wanted to clarify that in this section.

**Mr. Breithaupt:** I don't know if that necessarily does anything more than split an infinitive, as the member for St. George (Mrs. Campbell) has mentioned. I would have presumed the chief judge would have these administrative authorities without question. You might feel it necessary to underline it in a section such as this, but in view of the comment made by my friend and colleague from St. George I think it would be better probably to put this addition into the section either at the beginning of the section or after the word "court." However, I shall leave your version of the English language to your present associates and friends and you can deal with it as you see fit.

**Mrs. Campbell:** This is as a result of our intolerable educational system.

**Mr. Lawlor:** It's okay, I like splitting infinitives. Why not split hairs?

**Mr. Deputy Chairman:** It used to bother your former leader.

**Mr. Lawlor:** What's wrong with that? While we have eliminated the word "junior" from those grey-haired fellows, twice as old as the senior judge who happens to be in that county, I can see there might be on occasion some rubs, a senior judge taking himself rather too seriously, as is the wont of senior judges, simply because he retains the designation under your legislation and being somewhat puffed up.

It might be just as well to have the chief judge sitting as referee in the background, judging the judges and bringing some peace into that particular court, whatever court it might be. As is the way with human relationships, often a certain amount of irritation or even acrimony develops among the different judges in a court. To give him complete, arbitrary, dispositive power over the situation would probably on some afternoon prove to be a mistake. The other judges may have resort to a more neutral figure, et cetera, of enormous sagacity as these chief judges happen to be, placing their case before him and bringing some order into the judicial process, which is something, generally speaking, in all aspects devoutly to be desired.

Section 6, as amended, agreed to.

Sections 7 to 17, inclusive, agreed to.

On section 18:

**Mr. Warner:** The subsection that is numbered (1a) says: "Every judge of a sur-



rogate court shall hold office . . ."; it then goes on to say they can be removed "for inability, incapacity or misbehaviour established to the satisfaction of the Lieutenant Governor in Council."

I am interested to know whether there are formal provisions involved in that procedure. While I don't know all that much about the whole system, I do get the impression that these judges are being treated in a somewhat different manner from other judges as to this test of ability, capacity and behaviour. Also, is there a hearing involved for the judge, and is there an appeal process for the person who has been deemed to be unable, not of capacity and is not behaving? I guess, in summary, what I am looking at is how formalized are the proceedings and what protection is there for the judge who has been given these three labels?

**Mr. Breithaupt:** Perhaps the parliamentary assistant can define just what the satisfactory misbehaviour is.

**Mr. Sterling:** Before one can be appointed a surrogate court judge one must be a county court judge. The county court judges are appointed by the federal Parliament, whose members have the right to appoint all county court judges. The rights to a hearing and so on would be covered under the federal Judges Act; there is a judicial council which deals with appeals, et cetera. Practically speaking, if someone was misbehaving as a surrogate court judge he would basically be misbehaving as a county court judge and the dismissal would come from there; the case would first go through that particular procedure and then the Lieutenant Governor would also cancel the appointment as a surrogate court judge in conjunction with the results of that hearing.

**Mr. Warner:** Is there an appeal process?

**Mr. Sterling:** The decision really would be made by the federal counterparts as they are appointees; if they made the decision that a county court judge was to be dismissed then he could no longer be a surrogate judge and therefore he would be dismissed by the Lieutenant Governor.

**Mr. Lawlor:** It's the other way around. The mere fact one ceases to be a surrogate court judge would not necessarily mean in the least that one would cease to be a county court judge.

Anyhow, with regard to these surrogate court judges, I think it's high time the amantius of the Attorney General's ministry earned his spurs in this House. Would the parliamentary assistant give this assembly this

evening a brief history of the surrogate court in Ontario? Was it formed formally under equity practice? How did it evolve? Was it King's bench, Queen's bench, common pleas? What was it back a few years ago, just before he was born?

**Mr. Deputy Chairman:** Since this is not a part of the bill, I'll allow the parliamentary assistant 30 seconds to deal with the matter.

**Mr. Sterling:** Mr. Chairman, I would have loved to turn my attention to it but since you have ruled it out of order I will not answer the question.

**Mr. Lawlor:** Mr. Chairman, I want the House to know this. The only reason I relent is I wish to see this House go forward tonight at a snail's pace.

**Mr. Deputy Chairman:** Well, it's doing just that.

Sections 18 to 20, inclusive, agreed to.

Bill 112, as amended agreed to.

[9:45]

#### PROVINCIAL COURT (CIVIL DIVISION) PROJECT ACT

Consideration of Bill 113, An Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions.

Sections 1 to 7, inclusive, agreed to.

On section 8:

**Mr. Warner:** I wasn't satisfied with the response about the reporting. When the House is in session and we have question period, of course, that is an opportunity for each member of the opposition and government members who are not cabinet ministers to ask questions. I don't think that is good enough, particularly when you are running an experiment. I understand this court to be set up is an experiment and it has a termination date, January 1, 1983. Since it is a defined period of time and it is an experiment, and as it is deemed to be important and is going to operate in the largest city in the province—and we assume it is going to fulfill a useful function—I think it makes sense to have a regular report back to the assembly as to how this thing is functioning, what are the good points and the bad points about it. Surely if you are having an advisory committee they are advising on how the thing is progressing. Would an annual report be too much to ask, once every 12 months?

That is one item. The second I wish to raise is that out of the group of seven on the advisory committee we can identify five peo-



ple, if I am correct: the Deputy Attorney General; the senior judge or his nominee; and three of the five to be appointed by the Attorney General, one of whom shall be a county court judge and at least two shall be members of the law society.

Is it the intention of the government that the remaining two people be non-lawyers, people out of the "at large", community? What is the intention with respect to the remaining two people who aren't identified by position in section 8(1)?

I would like an answer to that. My preference is that you have a couple of non-lawyers from Metropolitan Toronto sitting on that advisory committee, I think there is a good argument for that. If I understand the argument for the court it is that you are trying to have some flexibility built into it, to reduce some of the formal strictures of normal court proceedings, while attempting to handle some of the functions of the small claims up to \$3,000. If you are attempting to do that perhaps it makes sense to have a couple of non-lawyers on your advisory committee. I would be interested in knowing, first, if there is a response regarding the two people whom we cannot identify in this section 8.

**Mr. Sterling:** Basically we have no objection to filing the report, if that is the desire of the members of the Legislature, but I just find the logic a little bit failing. If you want an annual report, the session sits, generally speaking, six months of the year—although we are out of session for periods of three to four months, I guess that is the largest gap in time—so if members are just saying they want an annual report, as I indicated in my previous remarks all they need to do is ask the Attorney General to prepare a report for the members of the Legislature. We are quite willing to entertain that. It is just a question of whether it is in the best interests of all concerned to have a report prepared each year and whether the expense is worthwhile. If it is the desire of the members I could suggest a motion for that.

In the matter of the intention of the government in relation to the two other individuals, I believe the member for Kitchener brought up the matter of appointing someone outside the legal profession in terms of a consumer-oriented person. We do not know how well that would work. It has some very positive points. Basically, though, the advisory committee is going to be dealing with procedures of the court. Whether there would be much interest on the part of somebody who is not familiar with those procedures, I do not know. There is some question in my mind as to whether such a person could have

a meaningful input into the whole process and would be making a valuable contribution to that kind of committee.

Basically, the structure is such that it is left open for the two final appointments. We talk about practising lawyers, two judges and the Deputy Attorney General. I would have expected that the other two appointments would probably be law-related people. That was our original thought on it. But the Attorney General is giving some consideration to the appointment of a consumer-oriented person; if we could find such a person who is not a lawyer and is particularly interested in this kind of matter, we would certainly consider that kind of person for the advisory committee.

**Mr. Breithaupt:** Mr. Chairman, the parliamentary assistant has certainly skated around the problem very well. I recognize, if one is dealing with the development of the rules, that it is to be that the rules will have been pretty well sorted out within the next several months so that this project can get under way. I share the parliamentary assistant's view that the annual report idea may not be particularly useful, because questions could be asked of the Attorney General, either in the House or during his estimates, when matters as to how this project is working out can be gone into at some length.

The other point, with respect to the membership of the advisory committee, does still somewhat concern me. The parliamentary assistant has very carefully set out seven persons and has sorted out five particular persons, but still he does not say who the last two are going to be. It may be, since we are dealing with the rules of the court, that the consumer type of person is not the most useful in this kind of project.

I still would like to know what the parliamentary assistant means when he says "law-related people." Is he thinking, for example, of perhaps having a registrar of a county court or possibly even a clerk of some other small claims court who is an experienced person and might be of help? Is this the kind of person being considered? If so, perhaps the parliamentary assistant might share his thoughts with us. Certainly the appointment of persons such as those two kinds, to take those two examples, would likely be very useful when developing rules.

It may be, as I say, that the consumer advocate or such involvement is not as necessary in this particular example. If in fact the ministry is looking at these other two persons as being some type of clerical, advisory or administrative person now in the court system, the parliamentary assistant should



say so. That is perhaps the kind of person they want to have. But surely we should know at least the kinds of people being thought of to make up those two appointments who may be lawyers but may not necessarily have to be.

**Mr. Sterling:** Two of the type of people you mentioned are two very definite possibilities and are within the realm of our possibilities. Another one who was not mentioned is a professor of law who is not practising civil litigation who might be very interested in this area.

**Mrs. Campbell:** It's always helpful in practical matters.

**Mr. Sterling:** Yes, I know.

Section 8 agreed to.

Sections 9 to 11, inclusive, agreed to.

On section 12:

**Mr. Lawlor:** I'm still disturbed with the nomenclature connected with what this act is supposed to be about. I wonder if the parliamentary assistant would entertain an amendment to that along these lines. "An Act to provide for a Provincial Court of Civil Jurisdiction in the Municipality of Metropolitan Toronto." Then the short title would read as you have it in your present legislation.

I don't want to go on with it but "An Act for the establishment and conduct . . ."—how portentous. You don't need all that. You are providing for the setting up of a court, why don't you say so?

Then it goes on, "for the development of improved methods of processing certain"—certain uncertain; I think the only thing certain is the 3,000 bucks—"Civil Action" Why all this?

I am asking you to consider altering the title—I don't know how. I've never heard of the title of a piece of legislation being amended in this House, but I am sure it is possible on the fundamental basis that anything is possible.

**Mr. Breithaupt:** Particularly speaking on section 12, when we look through the index or even the Order Paper you can get some idea originally about the contents of a bill. If you look, for example, at the title of Bill 8, it's an Act to amend the Trees Act. Now, chances are it has got something to do with trees, and anyone looking through the legislation or the index will be able to say, "Under 't' for trees; was anything done about that subject in the Legislature?"

If, on the other hand, one is considering this matter they have heard about, some new division of the provincial courts in Metropolitan Toronto, you would sure never

know it by looking at the title of the bill. You would have absolutely no idea that you are in fact dealing with something as neat and tidy as the provincial court (civil division) in Metropolitan Toronto.

The short title I must say makes an awful lot more sense than the long title.

**Mr. Sterling:** I wish I was carrying some other act. I am really at the wish of the members opposite in terms of the titles to these acts. We can only change them to what you would desire—or the good editing you would desire.

**Mr. Lawlor:** Don't push that one too far.

**Mr. Sterling:** The only reason for the length of the title is so that someone who is going through a list of the different acts would have some idea of what the act is about.

**Mrs. Campbell:** You're kidding.

**Mr. Sterling:** I can't say I was personally involved in this particular title. If any member feels strongly enough about the name of the act, I would entertain a motion to change it. I think the act will generally be referred to by its short title anyway, and that the long title will only be known—

[10:00]

**Mrs. Campbell:** By the mother of the bill.

**Mr. Lawlor:** Rather than prolong the agony—I was testing the water with my little toe—why not an act to provide for a provincial court of civil jurisdiction in the municipality of Metropolitan Toronto; wouldn't that do it?

**Mrs. Campbell:** On a trial basis.

**Mr. Warner:** Too straightforward; must be something wrong.

**Mr. Breithaupt:** There may be some point there; but of course the bill has already been brought into the House under this title and has received second reading as well under this title. I think some points, though, could usefully be considered. If there was reference to the provincial court (civil division) for the municipality of Metropolitan Toronto it would certainly be a lot easier to find. However, if there is the technical reason that we started under this title and must continue, then let's do that.

**Mr. Deputy Chairman:** My information is that the title can only be amended if there have been some amendments in the bill which would warrant an amendment to the title. Don't ask me to give you chapter and verse to back that up, but that is the information I have. Of course, we're looking



at section 12, which is the short title not the long title.

**Mr. Lawlor:** I can't bow to that. Have you got the page in mind?

**Mr. Deputy Chairman:** No, I have no authority for it, and I'm not going to guarantee that I can give you authority for it.

**Mr. Lawlor:** I'm getting very close to challenging the chairman.

**Mr. Deputy Chairman:** Maybe we can, if you'll just be patient.

**Mr. Lawlor:** Just bear with me for a moment before I launch into the blue. It seems to me that we have it within our jurisdiction to amend anything as we see fit, and as long as no one raises too much of an objection. I mean there are certain people, if they raise objections we can ignore them, but—

**Mr. Deputy Chairman:** Let me read rule 86: "It shall be an instruction to the committee of the whole House to which bills may be committed, that it has the power to make such amendments therein as it thinks fit if they are relevant to the subject matter of the bill; but if any such amendments are not within the title of the bill it shall amend the title accordingly and shall report the bill to the House." That's rather the converse of what we were saying.

**Mr. Lawlor:** I don't know whether it's converse or reverse.

**Mr. Deputy Chairman:** I didn't say "reverse" I said "converse." This bill has to go for third reading, eventually. Does the member for Lakeshore wish to make an issue of the point?

**Mr. Lawlor:** I'd love to, but I'm not going to.

**Mr. Deputy Chairman:** I appreciate that.

**Mr. Nixon:** That's a big change.

Section 12 agreed to

Bill 113 reported.

### TREES AMENDMENT ACT (concluded)

Resumption of the adjourned consideration of Bill 8, An Act to amend the Trees Act.

On section 4, as renumbered:

**Mr. Deputy Chairman:** When we were last looking at this bill the member for Welland-Thorold (Mr. Swart) had moved an amendment to section 3 but had not spoken to that amendment. So that we'll know what he's speaking to I'll read the proposed amendment to section 3 to you.

**Mr. Swart** moved that section 5(1)(j) of the act, as set out in section 3 of the bill, be deleted and the following substituted therefor:

"(j) apply to trees which, subject to prior approval of the enforcement officers, it is necessary to destroy in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under section 2 of the Pits and Quarries Control Act, 1971."

**Mr. Swart:** It was our party's view in considering this bill that where a permit wasn't in existence, whether relative to section 8 when there is a house or structure to be built on land, or as in this case relative to pits and quarries which have not been designated under section 2 of the act, that the enforcement officer should view that property prior to any tree cutting taking place. He should agree with the owner and inform the owner of the land what trees he would be able to cut down without infringing on the act.

This, of course, gives discretionary power to the enforcement officers, but we feel it is preferable to an owner who goes ahead and cuts down a great number of trees, some of them unnecessarily, and then afterwards has a charge laid against him or the alternative of not having a charge laid against him. We just think on this occasion, as in the previous subsection of the same act, it is desirable to have the enforcement officer there ahead of time before the action takes place. That is the purpose of this amendment to this section.

There has been real concern, of course, among the conservationists and others about the desecration of trees to enlarge pits and quarries. We recognize that in some places this is necessary. The old act may have been unduly restrictive and we think the clause which we propose here finds the right compromise where it is permitted but where the enforcement officer would view it first.

**Hon. Mr. Auld:** Mr. Chairman, my feeling about this amendment is really the same as the one before. Giving the authority to an official to decide whether or not a project really would go forward subject to no appeal whatsoever I think is improper. It should be the rule of law rather than that of individuals.

**Mr. Bolan:** Mr. Chairman, we feel the section of the amendment to the act which is presently in Bill 8 is adequate and we will not be supporting the amendment.

**Mr. Swart:** Just one more word, if I may Mr. Chairman; I would point out that the decision of the enforcement officer may be



rejected by the owner of the land and then it would be up to the enforcement officer or some other person to take him to court. It could be decided there whether he had cut down trees which should not have been cut down. I just repeat that I think it is better to decide ahead of time rather than afterwards.

**Mr. Chairman:** Are there any further comments on the amendment? If not, is the committee ready for the question?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

Motion negatived.

Section 4, as renumbered, agreed to.

On section 5, as renumbered.

**Mr. Bolan:** On section 4 in the bill, which has been renumbered to section 5, I have an amendment before you, Mr. Chairman. It is a three-part amendment, and I propose to abandon the first part of the amendment and the third part of the amendment. The second part has great significance for the future growth and development of the province of Ontario.

**Mr. Chairman:** Mr. Bolan moves that section 6(2) of the act, as set out in the said section 5 of the bill as renumbered, be amended by inserting after the word "just" in the last line of the subsection the words, "and to adequately maintain the replanted trees in such manner as the judge considers proper."

**Mr. Bolan:** This is not the same wording as the amendment which was before you. I have spoken to the minister about this matter. It is something which was drafted a very short while ago.

**Mr. Chairman:** Would the honourable member send one to the table?

**Mr. Bolan:** I will; I do have one here.

**Mr. Swart:** On a point of order, I'm confused about the number. We didn't renumber the act. Are we not actually talking about section 4 of this act, and not section 5?

We had a great deal of discussion on this before, but the act was not really renumbered because of your accepting an amendment. Is it not section 4 we're talking about now?

**Hon. Mr. Auld:** Mr. Chairman, as I recall there was some confusion when we were last dealing with these amendments because at that time the first amendment was an amendment put forward as section 1(a). However, legislative counsel indicated, and the committee agreed at the time, that instead of 1(a) it should be called section 2. Consequently, all

the following sections were renumbered one number more.

I see the legislative counsel is nodding and the Clerk is nodding, I think.

**Mr. Chairman:** Is the member for Welland-Thorold satisfied? I'm quite sure the numbers can be corrected on editing later.

**Mr. Bolan:** The amendment which is in the bill reads as follows: "Where a person is convicted of an offence under clause (a) of subsection 1, the judge shall consider all evidence given in respect of the necessity of replanting the area on which trees have been destroyed and the owner of the said area to replant or have replanted thereon such trees in such manner and within such period of time as the judge considers just."

Unless you have the amendment I have proposed, what that means is that a judge may make an order with respect to replanting and then that's the end of it. There are no provisions at all for maintaining those trees for a reasonable period of time.

In order for the order of the court to be effective, the section will also have to grant to the judge the authority to compel the owner to maintain that particular tree cover. That is the purpose for the amendment.

[10:15]

**Mr. Swart:** We have no objection to that amendment. It perhaps strengthens the section. We'll support it.

Motion agreed to.

Section 5, as renumbered and amended, agreed to.

On section 6, as renumbered:

**Mr. Chairman:** Mr. Swart moves that section 7(b)(2) of the act, as set out in section 6 of the bill as renumbered, be amended by striking all the words following "to" in the third line and substituting in lieu thereof: "(a) the owners of each parcel of land that abuts the land of the owner of the trees in respect of which application is made; (b) any person who requests notice of such application; (c) any other person as the council considers proper."

**Mr. Swart:** The significant part of this amendment is clause (b) which would provide that it would be required for a municipality to notify any person who requests notice of such application. This would be in addition to the owners of each parcel of land that abuts the land of the owner and any other person the council considers proper. The intent of this is, of course, that special interest groups would be notified if it was so requested.



The act as it now stands requires that they would have to notify a neighbour who abuts on the property. This is proper and correct, but the basic reason for the Trees Act is the preservation of forest cover. The person who abuts the property might not have any particular interest but there may be other groups in the community, such as in the Niagara region where they have the Association of Conservation Clubs, which might have some real concerns about cutting off or giving an exemption to cut off part of a bush. There could be other interest groups and there could be other people who might not be the neighbours who would have some concern about this.

For instance, people who might be downstream from a section of the bush might not want to have it cut off. It might affect their water supply. There are a variety of groups of people who might be concerned about it. It seems to me that anybody who asks to be notified about the intent should have the opportunity of knowing. In our subsequent amendments it would mean they would have the opportunity to appear before council and give their reasons for objecting—if it was a case of objection—to the permit being issued for having this special exemption to clearcut in an area.

The council still makes the final decision, this is just relative to notification. It seems to us it makes sense that there should be that broader notification with regard to these exemptions. I would point out the exemption part is new, that hasn't been in the act in the 30 years or so since the act has been in force. If we're going to put it in now then let's establish the broader notification policy so those people who are concerned about it can at least make their views known to the council. That is the intent of this amendment.

**Mr. Bolan:** We do not support this amendment. We feel allowing this clause to remain would mean any group at large would merely register with every municipality and every township in the province where they have a bylaw pursuant to the Trees Act. Whenever somebody comes along to cut a tree, they have to send a notice out to everybody in the bloody province. It just doesn't make sense. For that reason, and being sensible people, we are not going to support the amendment.

**Hon. Mr. Auld:** Mr. Chairman, I am delighted to hear the perception of the honourable member opposite. Actually, he could go outside the province and say that it could be anybody in the world, the way this amendment is phrased. "Downstream" might be

Kansas City. County councils are elected, and we assume county councils will act in the best interests of the people they represent. Consequently, I would oppose the amendment.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 6, as renumbered, agreed to.

Sections 7 and 8, as renumbered, agreed to.

On section 9, as renumbered.

**Mr. Chairman:** Hon. Mr. Auld moves that section 13 of the act, as set out in section 9 of the bill as renumbered, be struck out.

**Mr. Swart:** Mr. Chairman, we obviously support this in view of the fact that we had submitted the amendment long prior to the time the minister had proposed a similar amendment. We think the minister should not have this arbitrary power to make regulations which could almost change the act in any way he wished to. Therefore, we are obviously supportive of this act and pleased that the government has accepted our amendment and will remove it.

Motion agreed to.

Section 9, as renumbered and amended, agreed to.

Sections 10 and 11, as renumbered, agreed to.

Bill 8, as amended, reported.

On motion by Hon. Mr. McCague, the committee of the whole House reported three bills with amendment and one bill without amendment.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 111, An Act to amend the Judicature Act.

Bill 112, An Act to amend the County Judges Act.

Bill 113, An Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions.

### TREES AMENDMENT ACT

Hon. Mr. Auld moved third reading of Bill 8, An Act to amend the Trees Act.

**Mr. Swart:** I wish to speak very briefly to the third reading of this.



Bill 8 was an act that was introduced by the government under the guise of strengthening the Trees Act; a statement to that effect was made. I want to say that the end result has been the exact reverse of that. Policies of 30 years duration, enacted to preserve our forest cover and our water tables in southern Ontario, have been dramatically weakened. Consequently, the New Democratic Party is voting against the bill on third reading. We're not going to force a recorded vote because we recognize we're not going to be supported by the Liberals in this.

Whereas formerly the legislation covered all the territory in a municipality, it now permits elective and partial coverage. In addition, local councils will be able to give minor exceptions, with inadequate notice to people who are concerned. These two amendments alone destroy the act's univer-

sality and fair application. For years conservationists wanted the exemption of control on woodlots of less than two acres abolished and the Liberals and the Conservatives combined to keep it intact. Minor improvements such as higher penalties for infractions in no way balance off the damage done to the act by the other amendments.

Future generations, I suggest, will pay a stiff price for our backing off from protection of this valuable resource, the forest cover in southern Ontario.

**Mr. Speaker:** The motion is for third reading of Bill 8.

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

The House adjourned at 10:30 p.m.



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No. 76

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Tuesday, June 19, 1979

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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## LEGISLATURE OF ONTARIO

TUESDAY, JUNE 19, 1979

The House met at 2 p.m.

Prayers.

### DISASTER RELIEF ASSISTANCE

**Mr. Bolan:** I rise on a point of privilege, Mr. Speaker. Yesterday in question period the Minister of Intergovernmental Affairs (Mr. Wells) indicated to the House that the unorganized townships of Loudon, Macpherson, Latchford and Bertram in the district of Nipissing had not applied for assistance under the government's disaster relief program with respect to flood damage in those areas.

I wish to bring to the attention of the House that in the estimates of the Ministry of Northern Affairs in the House on Friday, May 25, I said the following to the Minister of Northern Affairs in the House on Friday, from Hansard, page 2214: "There is one other thing I want to mention. I'm glad to see the Minister of Industry and Tourism (Mr. Grossman) here because I was going to ask him a question on this point. However, I was not able to ask it during the question period. It has to do with the request made to the Minister of Industry and Tourism by the West Nipissing Tourist Area Association.

"These people are in four unorganized townships which have been seriously affected by the flood. Some two weeks ago they requested, through the Minister of Industry and Tourism, that the four townships in that area be declared a disaster area. These four unorganized townships are the townships of Loudon, Macpherson, Latchford and Bertram. They are not the townships which were referred to in the statement made by the Premier (Mr. Davis) some three weeks ago, when he announced certain unorganized townships as being part of the disaster area. They are not the same unorganized townships. They are separate townships altogether.

"Two weeks ago, the association, whose president is a Mr. Rick DeSantis, wrote to the Ministry of Industry and Tourism requesting that those townships as well be declared a disaster area so that they might qualify for assistance. Some of these people are in very dire straits. I might say the government has responded to the tourist operators on the other side of the lake by declaring the town-

ship of North Himsworth and the township of Nipissing disaster areas so they would be able to qualify for the funds. However, these unorganized townships, not having any government body through which to speak, have not been able to get any results from the government. I believe there is a cabinet meeting on Wednesday, and I would ask the minister to take this up at that time. The lake is the same level right across. If the tourist operators at one end of the lake, i.e. the townships of Nipissing and North Himsworth, are affected by the rise of the lake, the same thing applies to the other side."

Mr. Speaker, the remarks made yesterday by the Minister of Intergovernmental Affairs are inconsistent with the facts.

**Hon. Mr. Davis:** On this point of privilege, Mr. Speaker: I understand the honourable member is reading from the Hansard of the committee. I think what the Minister of Intergovernmental Affairs said was that he had not heard directly from the member with respect to this particular problem.

I recall that the member did raise in this House the question of townships that are situated on the other side of the lake, which happened to be in the constituency of the Minister of Revenue (Mr. Maeck), but quite honestly I do not recall his raising the question of those townships which happen to be in his own riding.

**Mr. Mancini:** That's because you are never here.

**Mr. Bolan:** One would expect the Minister of Industry and Tourism to inform the Premier of that. Doesn't the right hand know what the left hand is doing over there?

**Mr. Speaker:** Order. Order. It is becoming a habit and a practice around here for a member to get up and claim a point of privilege simply because he disagrees with what someone else has said. There has been a practice in this House in the past to allow any honourable member to get up and merely set the record straight from his perspective, but by no stretch of the imagination does it constitute a point of privilege. I am afraid it is going to be recorded for posterity that this Speaker had brought to his attention on numerous occasions what a member alleged to be a point of privilege.



These are certainly not points of privilege. They are not points of order. They are simply to set the record straight. I hope all honourable members will keep that in mind. Let's call it by its proper name.

#### USE OF HERBICIDES AND PESTICIDES

**Mr. Cassidy:** Mr. Speaker, I rise with certain trepidation after your comments, because I do have a genuine—

Interjections.

**Mr. Speaker:** If you are going to set the record straight, please say that you are rising for that purpose.

**Mr. Cassidy:** No, Mr. Speaker, it is a point of privilege which arises out of comments that were made last Thursday by the Minister of the Environment (Mr. Parrott). In question period, when we were discussing the matter of 2,4-D spraying in the Northumberland school district, the minister accused me of misleading the House and suggested we had no evidence of children in the Northumberland school district being ill because of 2,4-D spraying.

I have here results of a survey which indicate that 20 children in three schools became ill following exposure to 2,4-D spraying. I will send it to the government House leader and ask him to convey it to the Minister of the Environment when he returns. In that package I am sending the names of the parents of the 20 children. The parents have filled in their names on the questionnaire and made them available to the ministry.

The minister's response to my questioning on the matter last week, and particularly his charge that I was misleading the Legislature, has not only violated my privileges, but also calls into question the integrity of the concerned parents in the Northumberland-Newcastle area. I am now furnishing the material he said we did not have. Mr. Speaker, I ask you to have the minister, on his return, withdraw the remarks he made that I was misleading the House, and I ask him to act on these very clear indications that children have become sick after exposure to 2,4-D spraying in Northumberland.

**Mr. Speaker:** I too will await the return of the honourable the Minister of the Environment. I am quite sure had the Minister of the Environment actually made the accusation that the member was misleading the House, I would have caught it and had it brought to his attention. I will await the version of the story or a response from the Minister of the Environment.

#### STATEMENTS BY THE MINISTRY

##### FOREST FIRES

**Hon. Mr. Auld:** Mr. Speaker, I would like to give the members the latest information on a very serious forest fire situation which is developing in northwestern Ontario.

At the moment, a total of 53 forest fires is burning across the province, 23 of which are not yet under control. Most of the fires are in the area from Thunder Bay west to the Manitoba border. Fortunately, no loss of life or personal injury has been reported, but some cottages and some cut timber are being threatened.

As of noon today, we have 400 fully-trained and equipped firefighters in the affected areas, along with 57 aircraft and all of the necessary support. Every precaution has been taken to prevent these fires from spreading, but the situation may well deteriorate in the face of worsening weather conditions.

To give you specific details of the fire situation, the hardest hit areas are west of Thunder Bay around Ignace and Sioux Lookout. The largest fire, identified as Thunder Bay 37, jumped Lighthall Lake late yesterday and has now grown to 16,000 acres. It is still not under control.

The hardest hit single area is around Sioux Lookout where 20 fires are currently burning, seven of which are not yet under control. The largest fire there is fire number 21, which is 3,800 acres in size. In the vicinity of that fire, some one dozen unoccupied cottages have been threatened, and lodge operators have been advised to pull back any guests they may have staying in outpost cabins in the path of the fire.

Another fire, Sioux Lookout 29, is also threatening some 13,000 cords of wood that belong to a private company, McKenzie Forest Products. That wood is cut and stacked in the forest.

Most of these fires were caused by lightning from a disturbance that passed through northwestern Ontario last Friday. Because of damp conditions, those fires did not show up until Saturday and Sunday when the bush began to dry out. Since then, high temperatures, high winds and low humidity have combined to help fires spread and make the work of firefighters more difficult.

Our aerial attack fleet has been strengthened considerably by the addition of a number of heavy water bombers and helicopters from across the country. My ministry is also arranging to have trained firefighting crews flown in from other parts of Canada, if necessary. Auxiliary crews are being formed elsewhere in Ontario and dispatched to north-



western Ontario to relieve crews which have been on fires for several weeks. These auxiliary crews will also be used to ensure adequate fire attack forces are available to cover off other parts of the north and south.

This is an up-to-the-minute outline of the situation, as reported to me by our provincial forest fire centre in Sault Ste. Marie, as of 11 o'clock this morning.

### DRIVING SCHOOLS

**Hon. Mr. Snow:** Today I propose to introduce a bill, at the appropriate time, which will require driving schools to be licensed and will enable the government to regulate their operation.

This decision is a direct result of the response to the Ministry of Transportation and Communications discussion paper on driver education in Ontario. This response indicated, quite clearly, that the commercial driving school industry was in favour of provincial government involvement in regulation of their industry. A summary of the response to the discussion paper has been prepared and will be tabled with this act.

Four options were presented for the regulation of commercial driving schools: to maintain the existing situation under which municipalities may choose to license driving schools; to improve access to consumer protection procedures; to introduce legislation which would create a body within the industry to regulate driving schools; or to provide authority for MTC to license and regulate driving schools.

[2:15]

We considered these options very carefully. Maintaining the present system provided no solution to the problem of lack of uniformity. Better consumer protection is responsive to complaints, but does not provide positive encouragement to improve the quality of service. The response we received from the industry indicated that some feel they are too fragmented to regulate themselves successfully. Therefore, to provide the regulation requested by some segments of the commercial driving school industry in the past, we concluded that the best solution at this time was to provide authority for MTC to license and regulate the industry.

This new act to regulate driving schools will provide for the licensing of all schools and will ensure that they maintain certain standards for business practices, facilities and instruction. At the same time, we propose to remove the legislation and regulations regarding driving instructors from the Highway Traffic Act and include them in the new act.

As part of the new package, we intend to ensure the quality of driving instructors by requiring all applicants for an instructor's licence to have successfully completed an MTC-approved course. By combining all facets of the driving school industry under one act, I believe we will be better able to control the quality of driving instruction in this province.

With this act, I am tabling a compendium outlining our proposed legislation in more detail. We intend to make these details available to both the public and the commercial driving school industry so that they will have a further opportunity to comment on our proposals. As part of this information program, copies of the act will be available in all driver examination centres.

Driving in today's traffic requires a high degree of skill. I am convinced we can no longer depend on less than the highest quality of driving instruction if we are to keep our roads as safe as possible. I believe this act, which should improve the quality of instruction, is an important step in this direction.

**Mr. Bradley:** At last.

### ORAL QUESTIONS

#### RADIATION FROM X-RAYS

**Mr. S. Smith:** I have a question for the Minister of Health, Mr. Speaker. Does the minister recall a report entitled, Report of the Task Force on Controlling the Costs of Payments to Chiropractors, Osteopaths, Chiropodists, Optometrists, and Dentists, by the treatment and rehabilitation division of his ministry, dated April 1973, a report which he has had for six years?

On page five the first recommendation for immediate action at that time was that "radiological services provided by chiropractors, chiropodists and osteopaths be eliminated as planned services and, in return, permit the practitioner to refer patients to radiologists." Why did the minister not implement this recommendation?

**Hon. Mr. Timbrell:** Mr. Speaker, a year or two after that, part of it was implemented in that the regulations were changed to allow for reference by chiropractors to outpatient clinics for radiology.

**Mr. S. Smith:** The minister tells us that what was proposed as something to give the chiropractors in return for preventing them from doing X-rays, namely, to permit them to make such reference, has in fact been given to them, but the quid pro quo, namely, that they not be permitted to do their own X-rays was simply not enforced.



**Mr. Speaker:** The minister agreed.

**Mr. S. Smith:** Would the minister agree that this is what happened?

May I ask whether he can tell us what happened to the study which is referred to on page three of that report? Let me quote: "A study which is now in progress indicates that an excessive number of radiological examinations are performed by practitioners who own their own equipment"—these are practitioners of chiropractic—"and in many cases, total body X-rays, for example, are of possible danger to the patient."

May I ask the minister to table the study that is referred to on page three of that task force report and any other information he may have which might indicate any of the benefits of chiropractic X-rays—information which I have now requested from him on two previous occasions and still have not received?

**Hon. Mr. Timbrell:** First of all, I take it that the honourable member is indicating his opposition to chiropractic, judging by his line of reasoning.

**Mr. S. Smith:** X-rays. Can the minister not hear? Is there a problem in the sound system? X-rays.

**Hon. Mr. Timbrell:** There's no problem with my hearing.

**Mr. S. Smith:** There certainly is a problem with your hearing.

**Hon. Mr. Timbrell:** Pipe down. When the member hasn't got a case he tries to make it up with bombastics.

**Mr. S. Smith:** Address yourself to what I said. X-rays.

**Hon. Mr. Timbrell:** The honourable member knows this Legislature has, over the years, through various acts and regulations, endorsed the practice of chiropractic in this province and also included the right to take X-rays.

**Mr. S. Smith:** Why won't the minister table the study? Answer the question.

**Hon. Mr. Timbrell:** That particular report I'm not familiar with but even in his prelude the member referred to that as a report dealing with controlling costs. I have indicated to him previously, and to this House I believe, that over the last number of years the claims for X-rays by chiropractors have been going down. As well, four or five years ago—I believe it was in 1974-75—we changed the regulations to provide for the ability of chiropractors to refer to outpatient clinics for X-ray services.

**Mr. S. Smith:** The report permits it here.

**Hon. Mr. Timbrell:** That report, if I understand what the member read correctly—and I'll dig it out, it's somewhere back in the files in the ministry—deals with the question of costs.

As the member knows, the current interest in chiropractic is germane to the development of new legislation for chiropractic which has been under way for some time. When that gets to this Legislature then those who have concerns about any aspect of the practice of chiropractic will have an opportunity to express those concerns here and, I anticipate, in a committee of the House when they may hear from the public.

I should tell the member, as a matter of interest, that the draft legislation prepared by the chiropractic group has been sent far and wide. The reaction from the College of Physicians and Surgeons was that while they proposed a different scope of practice, their redraft included the use of radiology.

**Mr. Cassidy:** A supplementary, Mr. Speaker: Since it was established that in certain hospital radiology units there has been excessive exposure to radiation for patients who came in to get X-rays, can the minister assure us he is satisfied there is no overuse of X-rays by chiropractors? Is he also satisfied that there is no excessive or undue exposure to radiation for patients when they have X-rays in chiropractors' offices? If not, what steps does he intend to take in order to protect patients against the possible excess radiation in chiropractors' offices?

**Hon. Mr. Timbrell:** Mr. Speaker, first of all, I would draw the member's attention to page 2578 of Hansard which is dated June 5, two weeks ago today, at which time, in answer to a previous question from the Leader of the Opposition, I read into the record some figures, developed or drawn from our files by the X-ray inspection people, comparing average exposures for certain common views taken for chiropractic purposes, to average exposures for the same views in hospitals; he will note they compare very well.

**Mr. S. Smith:** The minister didn't give the other side of the benefit which makes it worthwhile taking the risk.

**Hon. Mr. Timbrell:** The honourable member takes one person's point of view as expressed through an organization and says, "therefore this service should be banned entirely."

**Mr. S. Smith:** I asked the question three weeks before this report.

**Hon. Mr. Timbrell:** I respectfully submit that, given the information before us, there



are no grounds under any reasonable set of circumstances to withdraw this service from the people of Ontario.

**Mr. S. Smith:** By way of a supplementary, the minister will recall that I asked this question three weeks before I even heard of such a report from the Consumers' Association of Canada. The minister has still not given us any information he may have for the people of Ontario to indicate any benefit that may stem from having chiropractic X-rays; we await for that information. Will the minister undertake to table the study referred to in the task force report? Is he willing to table that study in this House so we can see for ourselves what the facts are and not just have the minister's opinion?

**Hon. Mr. Timbrell:** Mr. Speaker, the honourable member might as well ask me to table the report of the benefits that his patients got from his services. What the member is talking about is critical judgement, whether it be radiological services provided by a chiropractor, a dentist, a physician or whoever.

**Mr. Cassidy:** Since the minister is unwilling to table the documents, can he explain why, despite four requests, he has yet to table the Ministry of Health's 1977 radiation report, a document which originally led to all of the revelations of overexposure to radiation and X-rays in the province?

**Hon. Mr. Timbrell:** Mr. Speaker, it was my understanding we were going to have an opportunity to get at this matter in the standing committee; at that time I'm going to be more than happy to share this information with the committee.

**Mr. Roy:** What is the government hiding over there?

**Mr. Cassidy:** What are you hiding it for?

**Mr. S. Smith:** Table the study on page three. That's all you have to do.

**Hon. Mr. Timbrell:** Give me the date.

**Mr. Conway:** Supplementary: Did I understand the Minister of Health to say that in 28 months as minister he has not been shown this report, which was done by his own staff six years ago and in which there is not only a comment about the cost control aspect, but in which there is a clear indication that the ministry is concerned about the possible danger to the health of Ontarians by virtue of chiropractors X-raying their patients? Has he never seen this? Did he never in the 28 months see it? Is he not aware it says there were possible dangers to the health of Ontarians?

**Hon. Mr. Timbrell:** The honourable member stands there waving a document around.

**Mr. S. Smith:** It comes from you.

**Hon. Mr. Timbrell:** The archives of my ministry take up whole buildings, with correspondence and reports going back over the years and the decades. The fact this ministry has been involved as deeply as it has with the Ontario Medical Association, with the radiological research laboratories and with various organizations, with the aim of developing standards which don't exist anywhere in the world today for radiological services, is clear evidence of our commitment to developing those standards and improving the delivery of such services in this province.

**Mr. Bradley:** In other words, the answer is no.

**Hon. Mr. Timbrell:** Going back to the research which has been done, the problem that has been identified universally by the eminent scientists at the radiological research laboratories is one of assumptions regarding the levels of radiation that have to be used to get good diagnostic pictures. The member will recall that report, I'm sure. That is the problem we have to address as well as developing techniques for ongoing surveillance.

**Mr. S. Smith:** The minister's answer was pretty weak.

**Mr. Speaker:** A new question, the Leader of the Opposition.

#### DISCOUNT PRACTICES

**Mr. S. Smith:** I have a question for the Premier, which I regret is a somewhat lengthy one. Has the government any comment to make on the statement by Rodney Hull, the counsel to the public inquiry into food store kickbacks? Mr. Hull says he sees no need to make public the information which the inquiry has obtained regarding the size of rebates and discounts on the grounds that competitors may learn something they should not know.

Is the Premier in fact aware that current federal law requires that when discounts are demanded of suppliers such discounts must be offered to all other buyers? That happens to be the federal law. How, therefore, can Mr. Hull argue that this information, which other competitors must already have, unless the law is being broken, needs to be kept secret? Would the Premier not agree that is the main point of the inquiry? Does he not think this is the last straw for Mr. Hull and that his resignation ought to be sought by the commissioner?

**Hon. Mr. Davis:** Mr. Speaker, I don't know Rodney Hull and I am really not as prompt



to express personal points of view about people as is the Leader of the Opposition, without having had the benefit of some discussion, some knowledge and some insights that I am sure he has had. I know he has discussed this with Mr. Hull at great length and is satisfied, in his view, that Mr. Hull is incompetent. I would only say to the Leader of the Opposition that I haven't made that judgement because I haven't had the opportunity to do so.

I would say the commission was appointed with some urging from members opposite, including, I think, members of the Leader of the Opposition's own party. It was a commission supported, as I recall, by the Ontario Federation of Agriculture. The government takes some responsibility, of course, for the appointment of the commissioner, a very eminent gentleman about whom I have no personal knowledge either, other than that he is a member of the judiciary. He, in turn, has the responsibility, as is the custom in our system, of appointing counsel. If the Leader of the Opposition wants to differ with counsel, that's fair and that's proper, but I would point out to him that all of this information that is being prepared and delivered to the commission is material available to the commissioner himself. There is no question that when the commissioner makes his determination, when he makes whatever determinations he feels should be made, this information can be part of that recommendation or judgement that he might make.

I think it is a bit unfair. I'm not here to defend Rodney Hull—as I said, if he walked into this chamber at this moment I wouldn't know him from Bobby Hull; I don't even know if they are related.

**Mr. Bradley:** You skate on the issues very well.

**Mr. Conway:** A good skater like you would recognize Bobby Hull anywhere.

[2:30]

**Hon. Mr. Davis:** When it comes to this business, I will even skate with the member for Renfrew. It's not easy, but I'll do my best. I really think it is a bit unfair, and I say this objectively, to be critical of an individual in the House and say he should be removed.

The Leader of the Opposition can differ with his point of view, I think that is fair, but surely his function as counsel is to advise the commission and to do his job as he sees it in the context of the order in council establishing the commission. I think to make a personal judgement of that nature is ill-advised, but I am not as prone to make judgements on personalities as is the Leader of the Opposition.

**Mr. S. Smith:** I don't remember saying anything about Mr. Hull's personality, but rather about his point of view.

By way of supplementary, is the Premier himself not following the deliberations of this commission? Is he not aware the agricultural community has come to feel the whole commission is a whitewash anyhow? Does he not believe to keep secret the very information the commission is seeking, namely the size and impact of these discounting practices, is contrary to the very purpose of the commission? Does he not recognize the contradiction in so doing, in as much as competitors are supposed, by law, to already have the information as to what sorts of discounts are being offered to their competitors?

**Hon. Mr. Davis:** Mr. Speaker, I don't have the wording of the order in council with me, but my recollection is that the commissioner or the judge has very broad terms of reference. Some of the Opposition Leader's colleagues who used to practise a little law, or some who are still practising rather actively, would inform him—

**Mr. Roy:** Who would that be?

**Mr. Warner:** Name names.

**Hon. Mr. Davis:** I don't know who that might be.

I think they might advise the Leader of the Opposition that commission counsel is there to advise. If the commissioner wishes to do something not in keeping with the recommendations of commission counsel, then he has the right so to do.

All I am saying to the Leader of the Opposition is I think his observations about the competence or incompetence of Mr. Hull are ill-advised. I don't think it is fair to make that assessment. Second, I do follow the deliberations of the committee. I think there are some things that will emerge when the judge makes his report, and I think the Leader of the Opposition is premature in his criticisms of counsel, who is acting as he thinks proper.

Certainly at this stage I don't second-guess these people.

**Mr. S. Smith:** He has lost all credibility.

**Hon. Mr. Davis:** The Leader of the Opposition can say Mr. Hull has lost all credibility. Once again, I think that is an unfair assessment to make. One would have to be there on a day-to-day basis. One would have to have a greater understanding of what is happening than the Leader of the Opposition, in my view, happens to have. As I say, I am not defending Mr. Hull. I don't know.

**Mr. S. Smith:** It sounds like it.

**Hon. Mr. Davis:** I would say one of the great shortcomings of the Leader of the Op-



position is that he is too prone to make personal judgements about people—

Interjections.

**Mr. MacDonald:** Is the Premier not aware—and if he hasn't done so, will he check out—that everybody who has been following this commission has come to the conclusion Mr. Hull has already lost his credibility?

If the Premier is not aware, will he not examine the basic point that has been put to him—that since discounts are the main mechanism for establishing competitive advantage, not only among the supermarkets but in destroying all independent operators and small suppliers, how can he conceivably withhold information as to the size of those discounts and not subvert the whole objective of the inquiry?

**Hon. Mr. Davis:** I will repeat for the member of York South, who obviously isn't trying to gain an Emmy Award like the Leader of the Opposition, that he too—

**Mr. Mancini:** Is that a personal judgement too?

**Hon. Mr. Davis:** I would say that he too has had some experience in these matters. He too may have reservations about the way counsel is performing at this particular inquiry. As I say, I am not prepared to make that sort of judgement because—

**Mr. S. Smith:** Because you don't follow the matter.

**Hon. Mr. Davis:** With great respect to the Leader of the Opposition, once again, I may not follow it in as great detail as I know he is following it, as he does everything. I realize I am not as knowledgeable or as expert in all fields as he purports to be.

**Some hon. members:** We know that.

**Mr. Speaker:** Back to the supplementary question.

**Hon. Mr. Davis:** I confess that. I do not pretend to have his absolute knowledge or the arrogance that goes with it.

**Mr. Bradley:** Don't talk to us about arrogance.

**Mr. Speaker:** Does the Premier have an answer to the supplementary question?

**Hon. Mr. Davis:** I was just trying to confess the fact that I do not have absolute knowledge. But I would say to the member for York South—

**Mr. Riddell:** You're embarrassing the Minister of Agriculture and Food.

**Hon. W. Newman:** Not at all.

Interjections.

**Mr. Speaker:** Order. Order.

## HOSPITAL BED ALLOCATIONS

**Mr. Cassidy:** Mr. Speaker, I have a question for the Minister of Health regarding the serious shortage of beds in Metropolitan Toronto hospitals this summer.

Does the minister agree with Dr. Peter Clarke, the chief of internal medicine at the Toronto Western Hospital, who said that the lives of four heart attack victims were endangered because they could not be admitted immediately into the coronary unit of that particular hospital one night a few days ago?

**Hon. Mr. Timbrell:** Mr. Speaker, all I know about that particular situation is what I read in the paper today. It is interesting that the administration and the board, who are responsible for the overall operation of that hospital, have not indicated, to my knowledge, the size of their coronary care unit as being a problem. They have not indicated that is a problem.

**Mr. Swart:** They wouldn't even contact you; they know it's hopeless.

**Hon. Mr. Timbrell:** Where that has happened—for instance, when the North York General Hospital about two years ago indicated that was a problem, approval was given to expand the intensive care coronary care unit—we can work out problems with individual hospitals.

I may say that, on the question of availability of beds, we have done some checking today, because of some allegations made yesterday. We have checked with a number of hospitals around Metro, and on the whole it appears that no more beds will be closed in the summer of 1979 than were closed in 1978; so to suggest that there are more beds being closed in 1979 is misleading.

**Mr. Cassidy:** In a letter to the Wingham newspaper, the Advance Times, the Premier wrote a few days ago that if a patient has to be admitted on the orders of a physician the admission will be effected even if temporary inpatient accommodation has to be utilized for emergency cases. Is it therefore now the policy of this government that hospital accommodation will be maintained only to the point where patients, if admitted, will be put into emergency wards? Or will the government ensure that there is enough hospital accommodation available in the province that a patient who has to be admitted for an urgent case can get direct access to the specialized facilities in that hospital?

**Hon. Mr. Timbrell:** Recognizing that every service of every hospital at some point is going to experience peak utilizations because of either seasonal or unusual demands, it is



the policy of this government that we will have, as we have always had, sufficient resources to serve the health-care needs of the province. Recognizing that the health-care needs are changing, and have changed dramatically in the last 10 to 20 years, so too the system has been changing and will change continually to reflect the needs of the population, but those needs will continue to be met.

**Mr. Conway:** Mr. Speaker, I have a supplementary question for the minister. Can he explain, in this connection, exactly what it was the Premier was telling the province yesterday when he said we were not to assume that this year's funding considerations should be applied without flexibility to the years that follow? Could he be more precise in explaining what this flexibility might mean for the forthcoming years, since there are some of us who are under the perhaps mistaken impression that the active-treatment bed ratios and the funding that is applied to them are reasonably fixed for those small hospitals in particular as they look at the next two or three years?

**Hon. Mr. Timbrell:** Mr. Speaker, we have constantly under review, the development of budgets and budgetary strategy for succeeding years. I think I have indicated to the member in committee and in this House—

Interjections.

**Mr. Speaker:** Do the members want an answer?

**Hon. Mr. Timbrell:** I am sorry. Maybe I can tell the member afterwards. His colleagues aren't interested.

With respect to the development of acute and chronic-care beds and extended care, we see in the province today roughly the right number of beds, but an inappropriate mix of beds. As members know, in a number of communities we are actually working with individual hospitals or groups of hospitals to ensure that the programs and services are rationalized in such a way as to take account of the ongoing health care needs and to meet them with the appropriate programs.

**Mr. Breaugh:** Supplementary to the minister: In line with Dr. Clarke's comments that there will be a disaster in Ontario if some funds are not released, would he agree that there are a number of hospital beds in Metropolitan Toronto, as one example, that have been, to coin the phrase, dormantized, put out of use, and that he doesn't even know about because the hospitals are not prepared to talk to the ministry any more?

**Hon. Mr. Timbrell:** That is just about as patently ridiculous as most of the releases from that member's office.

### UNEMPLOYMENT AMONG CAAT GRADUATES

**Mr. Cassidy:** I have a question to the Minister of Education. In view of the fact that community colleges are meant to train people for employment, can the minister explain how it is that the unemployment rate of graduates from community colleges in 1977 to 1978 is higher than the unemployment rate for our young people as a whole? Isn't the minister alarmed at the fact that Ontario's young people who have received community-college training have an unemployment rate of 15 per cent compared to the unemployment rate of about 13.4 per cent among young people in general? What are we training young people for—a lifetime of unemployment?

**Hon. Miss Stephenson:** I would be fascinated to see the source of the figures which the honourable member has provided. I know that probably he is talking about those who have been trained in the areas of nursing, perhaps in social services and perhaps in the area of early childhood education programs, but in the industrially related educational programs, which the community colleges have, in fact, been providing, and in the business-related courses, the rate of employment is very much higher than that, and the honourable member knows it.

**Mr. Cassidy:** Supplementary: Since I got these figures from a document which came from the minister's office itself, The Graduate Placement Report of the Colleges of Applied Arts and Technology, and since it showed that students in business-type courses in the applied arts section had an unemployment rate of 16.6 per cent six months after graduation, students in technology an unemployment rate of close to 12 per cent, those in business of close to 12 per cent, and francophone students a rate of 21.4 per cent, what is the minister or the government going to do in order to ensure that there is adequate planning so that the graduates of community colleges can and will find jobs and not a place on the unemployment rolls when they leave college?

**Hon. Miss Stephenson:** In actual fact, the record of placement of community colleges has been excellent over the last three or four years, and the figures which the honourable member chooses conveniently to report are those areas in which there is an obvious decline in employment opportunities. Some of



those are courses which young people still persist in applying for because it is their choice of career, knowing full well that the career opportunities are not as frequent as they were in the past.

It is the responsibility of community colleges to assess the employment potential of every single course which they provide and to make that information known to the applicants to the courses and, in fact, to limit enrolment in those courses in which employment opportunities are either declining or have declined. That is precisely what the community colleges have been trying to do, and I think they have been doing a very good job of it.

### ILLEGAL ACTS BY POLICE

**Mrs. Campbell:** My question is to the Attorney General. Would the Attorney General care to explain to this House the consultative process between himself and the Solicitor General where his law officers are proceeding with charges as a result of evidence which appears to have been adduced by way of entrapment?

[2:45]

**Hon. Mr. McMurtry:** I think to attempt to explain the consultative process between the Attorney General and the Solicitor General would be perhaps highly confusing and very complex and would take up an undue amount of time during the question period.

**Mr. J. Reed:** We understand that.

**Hon. Mr. McMurtry:** So I will refrain. I must admit it is an opportunity to discuss a number of matters of great interest, I am sure.

**Mr. Roy:** What do you think of the Solicitor General?

**Mr. Makarchuk:** Don't be coy.

**Hon. Mr. McMurtry:** I will spare the members a complete description at this moment. But I would be much obliged if the member for St. George would advise me as to the particular charges with which she is concerned. Then I would be prepared to respond.

**Mr. Lawlor:** What do you think about entrapment?

**Hon. Mr. McMurtry:** The issue of entrapment, as she well knows, is a complex issue in law. Without knowing the specific facts, I do not think I can respond adequately.

**Mrs. Campbell:** Could the Attorney General advise as to what his reaction was to the matter which I presented to him some days ago, which certainly seemed to imply entrapment—the difficulty of course being that many

of these cases are still before the courts? Does the Attorney General not now realize that with these growing issues there is a definite conflict between his role as the law-enforcement officer and his police role as Solicitor General?

**Hon. Mr. McMurtry:** I am aware of the matter that was referred to me by the member for St. George. I am looking into it and will get back to her in respect to this particular case.

In relation to the alleged conflict between the role of the Solicitor General and Attorney General, I do not agree that there is any such conflict because the responsibility of law officers of the crown is first and foremost to be servants of the law. That, in my view, should remove the possibility of any conflict.

Again, I would like to remind the member opposite of a little history. First of all, I think in virtually all other provinces the two positions are combined. It is interesting to note that when the government chose to separate the two positions in 1972, the legislation which was introduced to bring this about was opposed by both opposition parties—

**Mrs. Campbell:** I was not a member then.

**Hon. Mr. McMurtry:** —on the basis that the responsibility of the Attorney General for the overall administration of justice was being “watered down” and his “accountability” was being “undermined,” to quote, as I recall, the member for Riverdale (Mr. Renwick), who I think made these observations.

**Mr. Roy:** We opposed it for different reasons.

**Hon. Mr. McMurtry:** Be that as it may, I can assure the member for St. George that I have no particular desire to hold on to more than one cabinet job at any particular time. But I want to make it very clear at the same time that I earnestly and sincerely believe that there is no such conflict.

### USE OF MATACIL

**Mr. Foulds:** Mr. Speaker, I would like to ask the Minister of Natural Resources a question about Matacil spraying in northern Ontario. Has the minister yet had anyone analyse the Matacil spray report by Dr. William Thurlow? Is he aware of the latest followup research by Dr. Thurlow and Dr. Lee that shows that Matacil and its solvent, nonylphenol, at subtoxic concentrations have a definite viral enhancement effect, that is, they have the effect of strengthening viruses as in the case of Reyes syndrome? In the case of Matacil, the latest research shows



that enhancement effect is 2.3 times; in the case of nonylphenol, it is two times.

**Mr. Mancini:** And the member for Windsor-Walkerville (Mr. B. Newman) has been asking about it for five years.

**Mr. Foulds:** Can the minister confirm that picketing at the Kirkland Lake airport this morning has stopped spraying in that area? Will he now cancel his spraying program on the spruce budworm for this year?

**Hon. Mr. Auld:** In answer to the first part of the question, it should properly be addressed to the Minister of the Environment (Mr. Parrott), who deals with the Pesticides Act, herbicides and that sort of thing. In fact, I am sure he would be delighted to reply. We operate on the basis of the approval of the Ministry of the Environment and of the federal authorities for the use of herbicides and pesticides.

As regards the answer to the second part of the question, I understand there were nine demonstrators and nine media people with cameras at the site last night which made it a little crowded. As far as I know, the spraying went on unimpeded this morning, and I assume it is still under way.

The answer to the third part of the question has, I think, been given in the first part. As far as we are concerned, we are acting within all the rules and we propose to continue until we can complete the project.

**Mr. Foulds:** A supplementary question: As it is the Ministry of Natural Resources, for which the minister is responsible, which is doing the spraying, does he not think it is his responsibility to see whether or not the sprays the ministry is using are safe? Has he not been made aware of the telegram sent to the Premier (Mr. Davis) by Dr. Thurlow on June 10, which says in part:

"Ontario decision to spray Matacil must be cancelled immediately. Kirkland Lake residents' deep worry is justified. Maine and Newfoundland both cancelled complete 1979 Matacil spray against budworm. Matacil and its solvent nonylphenol very toxic. New experiment proves enhances viruses, may contribute to Reyes syndrome."

Has the Premier not made the minister aware of that telegram, and does this cabinet not think matters of that importance, and a researcher taking the time to make that contact with this government, should be considered seriously? Should the ministry not cancel the program?

**Hon. Mr. Auld:** Mr. Speaker, I have indicated we operate within the rules of safety which are set by those ministries of the

provincial and federal governments that are charged with that responsibility.

**Interjections.**

**Mr. B. Newman:** A supplementary question, Mr. Speaker: Is the minister aware that a Halifax medical research team in 1976 indicated there could be a link between the spraying at that time, as a result of the budworm, and Reyes syndrome, and that also in that province over the last seven or eight years 10 children have died as a result of the spray used? In some instances not the source but the spray itself was the cause of the Reyes syndrome, and in others it was the emulsifier used which was the cause. Has the minister looked into that?

**Hon. Mr. Auld:** I simply repeat I am aware of a controversy, but I am also aware that authorities in the United States and Canada have looked at this pesticide and have approved it for certain uses. That is the case with the use for which we are using it in spraying to destroy the spruce budworm.

#### AMBULANCE SERVICES

**Mr. Kennedy:** Mr. Speaker, I have a question for the Minister of Health with respect to the strike of ambulance drivers in Mississauga, an issue which was raised locally by the member for Mississauga East (Mr. Gregory). Could the minister tell us the present situation with respect to this dispute, and also assure us no one's need for ambulance service is in jeopardy as a result of this dispute?

**Hon. Mr. Timbrell:** Supervisory and management personnel are staffing the vehicles to answer emergency calls. As well, under the terms of the Ambulance Act, surrounding ambulance services in Hamilton-Wentworth, Peel, Metro and Waterford will, as needed, answer emergency calls. I regret to say that routine transfer calls will not be answered, since that makes up the bulk of ambulance use and staff is simply not available to answer other than emergency calls.

**Mr. Kennedy:** Could the minister give an explanation as to the present state of negotiations or if, in fact, negotiations are on? Possibly that is for his colleague in Labour. I would like to know.

**Hon. Mr. Timbrell:** I think that aspect of it might more properly be a question referred to my colleague, the Minister of Labour.

**Hon. Mr. Elgie:** Mr. Speaker, if I might respond to the member's question, actually conciliation efforts were part of my ministry's involvement, but to date the parties have not agreed that they wish intervention by way



of mediation and that is sort of a *prima facie* request that must come from the parties. If and when it does come we will be pleased to act in a mediation role.

#### FANSHAWE COLLEGE

**Mr. Van Horne:** Thank you, Mr. Speaker. A question to the Minister of Education: In the light of the reported settlement between the president of Fanshawe College and the Fanshawe board of governors, and in the light of the substantial public funding provided for community colleges, and in the light of the original request of the head of Fanshawe, who was relieved of his duties, and his determination that he be paid his full salary of some \$56,000 until his retirement, a sum which would equal some \$336,000, can the minister tell us the amount of the settlement that was reported to have been made yesterday?

**Hon. Miss Stephenson:** Mr. Speaker, I cannot. The solicitor for the gentleman in question and the solicitor for the community college apparently arranged the agreement which resulted in the dropping of the suit which the gentleman had instituted against the community college and against other people as well, and it was stated by the solicitor for the gentleman himself that there was an agreement that they would not reveal the amount which had been agreed upon.

I share the member's concern that whatever funds are utilized in this area are indeed public funds and that the ministry responsible for that institution should have some knowledge of this and I intend to pursue it. At this point I think the rumour he has heard is very widely blown up, but I'm not at all sure what in actual fact the figure is.

**Mr. Van Horne:** Supplementary: It is rumours like this, of course, that make us all very concerned, and I would ask the minister, if she has the information, whether she could make it available before the House rises on Friday and, if not, would she please provide it for me? The college is in my riding and I feel an obligation, if she can't, to let the people in my riding know what is going on. I appreciate her concern over the negotiations made within the court settlement, but by the very same token these are public funds and the public has every right to know. Would she please let me know?

**Hon. Miss Stephenson:** The honourable member has just reiterated what I said. I thank him very much.

**Mr. Makarchuk:** Supplementary: Would the minister consider asking the provincial auditor to look at the agreement and the settlement

and have him report to her and also to the public accounts committee?

**Hon. Miss Stephenson:** I shall most certainly consider that seriously, but I do want to pursue the matter of the alleged secrecy of this arrangement at this time.

#### FREE TRADE POLICY

**Mr. Laughren:** Mr. Speaker, I have a question for the Premier on a matter on which his government has been ominously silent in recent times, and that has to do with the question of trade, particularly in agricultural machinery, where in the last three years alone we had an increased deficit of almost half a billion dollars. Most of this is on parts, attachments and non-agricultural tractors. Also that the—

**Mr. Speaker:** Question?

**Mr. Laughren:** Yes, Mr. Speaker. In view of the fact that the Canadian Senate committee on economic relations between Canada and the United States has recommended that we move towards free trade—

**Mr. Speaker:** Order. Given the honourable member's background—you were a teacher, I believe, in a community college—you can ask a question: "Does the minister agree?" Then he has been asked a question.

[3:00]

**Mr. Laughren:** I'm worried about the Premier's background, not my own.

**Mr. Speaker:** I'm worried about whether the member has a question or not.

**Mr. Laughren:** I did want to know if the Premier agrees with the sentiments expressed by the Canadian Senate committee on free trade that that is the direction in which we should be moving in this and other industrial sectors.

**Hon. Mr. Davis:** I must confess I lost the thread of the speech and the ultimate question. Was the question whether I agree with the Senate committee? I think my answer to that would be I would agree with parts and not with parts.

**Mr. Martel:** That's a total copout.

**Mr. Laughren:** I was serious when I said the government had been ominously silent on this terribly important issue, and the Premier refuses to deal with it.

I'm asking him, is he aware that his Minister of Industry and Tourism (Mr. Grossman), when he was in Japan last month, indicated to the Japanese that increased free trade with the United States was going to make it better for them to invest here? Is he also aware the minister said the industrial gateway to the



North American market would be through Ontario? Doesn't he feel that really is a move towards a continental integration of the economies of Ontario, in particular, and North America?

I'm wondering if he agrees with this and if that really is the policy direction of the Ontario government?

**Hon. Mr. Davis:** I can understand why the honourable member's students on occasion became confused. I too was in Japan and I made it quite clear—because I was discussing the auto industry with some people in that great nation—and this was a layman's perspective, that it made sense to locate here. I said that rather than locate in the state of California, where ultimately some of the products produced there might find access to the Canadian market under the auto pact at some time, it made equal sense—in my view it made better sense—to locate here because the same access would be available to them.

Whether the Minister of Industry and Tourism used this to explain the potential, as certain tariff changes take place over the next several years, as to the advisability of locating in this country rather than in the United States, I think I could follow the logic of that particular argument.

If the honourable member is asking whether I have become a continentalist in terms of trade, the answer to that is no. If the member is asking whether or not I agree with a greater involvement of trade relations with the United States, greater exports to that country, finding ways and means of expediting this, thus increasing investments and job opportunities, the answer to that part of the question is yes; I agree with it.

**Mr. Sargent:** Would the Premier not be concerned about the fact that with 60,000 agriculturalists and farmers attending the big show at the CNE a few months ago, not one of all the tractors on show there was manufactured in Canada? Is he not concerned about that?

**Hon. Mr. Davis:** Mr. Speaker, I think as a matter of fact a number of tractors are being assembled here. I am concerned any time I see foreign goods displayed here, at shows or whatever, that could be manufactured in this province. That's why the Minister of Industry and Tourism; that's why the incentive program; that's why we have been more successful than any province in Canada or any state of the union in creating some 177,000 new jobs, many of them in the manufacturing sector. It is just because we have those concerns. But more importantly this government is doing something about them and we're doing it with some degree of success.

## LIQUOR REGULATIONS

**Mr. Roy:** Mr. Speaker, in the absence of the Minister of Consumer and Commercial Relations (Mr. Drea), I would like to ask a question of the Premier, if I could have his attention.

Is he aware of the fact that since four liquor inspectors in the Ottawa area have been charged, the new acting liquor inspectors in Ottawa are enforcing the law in such a way it will make it impossible for most service clubs—the Canadian Legion, Knights of Columbus and so on—to hold their regular activities, such as bean suppers or bingo? Is he aware that if he permits that, he will be depriving organizations in Ottawa, such as the retarded children, minor hockey, children's hospitals and so on, of needed funds? Would he intercede with the minister and with the new liquor inspectors to advise them not to create chaos and confusion among all the service clubs in the city of Ottawa and deprive them of these necessary activities?

**Hon. Mr. Davis:** Mr. Speaker, I assure the honourable member that one thing this government does not want to see is chaos, in spite of some members opposite. I will do my very best to see that no chaos results in the great city of Ottawa and in Carleton as a result of any policies of this government.

**Mr. Roy:** Does the Premier not think it is time he looked at the liquor laws pertaining to some of these service clubs and possibly enacted changes—oh, the minister is now coming in; can I redirect the question?

**Mr. Speaker:** No. Just continue.

**Mr. Roy:** Can I redirect the supplementary to the minister? I'll say that about the minister: I can get an answer from him.

**Mr. Speaker:** Order. If you want to redirect, then put your question directly.

**Mr. Roy:** I just want to let him catch his breath, Mr. Speaker.

Can the minister intercede on behalf of the service clubs in the city of Ottawa and ask his acting liquor inspectors, who have replaced the four people who have been charged recently, about the enforcement of some of the liquor regulations which makes it impossible for the service clubs to hold some of their much-needed activities such as bingos and bean suppers?

Would he tell his acting liquor inspectors possibly to enforce the regulations in such a way as not to deprive these people of these much-needed activities?

**Hon. Mr. Drea:** Mr. Speaker, I do not know what the honourable member's main question was. Did it deal with racket clubs?



**Mr. Roy:** No, no. I have gone on to service clubs.

Interjections.

**Hon. Mr. Drea:** In order to straighten out the situation in the city of Ottawa—first of all, in the past couple of weeks the honourable member has brought to my attention the question of racket, squash and similar clubs, where there appears to be some difficulty. In the very near future—probably in the month of July—I will be bringing in a regulation that will settle that problem once and for all. Those licences will be treated as dining-lounge licences so there will be no more problem with youths under the age of 19 being in there for family recreation.

**Mr. Roy:** Good boy.

**Hon. Mr. Drea:** I do not think it is wrong for a father to bring his son into such a place just because the father might be having a drink after playing there.

**Mr. Bradley:** Does that go for beverage rooms?

**Hon. Mr. Drea:** No. Athletic clubs. Secondly, in the past few months across eastern Ontario, particularly between roughly the city of Kingston and the city of Ottawa and extending up into the county of Renfrew, there has been some concern, not about new regulations by the Liquor Licence Board of Ontario but about enforcement of the old ones.

This is the first situation, I can say in all honesty, that has been brought to my attention from the city of Ottawa. In every other situation that has been brought to my attention by members on both sides of the House, the board has worked out a very simple procedure whereby the service club meets with the board—and there have been many dozens of those meetings—and in each and every case the service club has gone away extolling the virtues of the board and gone on to the very necessary and worthwhile fund-raising activities and other social types of gatherings.

**Mr. S. Smith:** Is that the purpose of the procedure?

**Hon. Mr. Drea:** I would like to draw to the attention of the House that in no way, shape or form does that imply any type of favouritism or something like that. It is merely that the board, since I have become the minister, has been instructed to take indigenous realities into account and not to treat everything in the province as the same.

#### ESL PROGRAMS

**Mr. Grande:** My question, Mr. Speaker, is for the Minister of Education. It is re-

garding the provision of English as a second language programs in this province. In view of the fact that on Thursday hundreds of parents who have children who need English as a second language programs will be marching in front of Queen's Park, and in view of the fact many times in this Legislature I and other members of this party have raised the matter of the provision of English as a second language classes to teach immigrant children and children from immigrant families how to properly use the English language, and have complained that the ministry's rating factor has been ineffective in providing for that program—

**Mr. Sterling:** Put the question.

**Mr. Grande:** —will the minister comment on the following figures from the city of North York?

**Mr. Speaker:** Is the minister aware?

**Mr. Grande:** Is the minister aware, Mr. Speaker, indeed.

**Mr. Speaker:** Thank you.

**Mr. Grande:** Is the minister aware that at Gracedale Public School there are 170 children on the waiting list for English as a second language; 13 are receiving that program now, and as of September 1979 the program will be discontinued;

At Shoreham Public School 93 are on the waiting list; zero children are receiving the program now, and of course there will be no program in September.

**Mr. Speaker:** Order. Really, that's enough to make your point. Does the minister have a response to what she has heard so far?

**Mr. Swart:** There's no problem.

**Hon. Miss Stephenson:** Mr. Speaker, I am aware problems of this sort have been raised. I am aware there is a mechanism for establishing the appropriate number of teachers of English as a second language and there are some differences, I must tell the member, in the base upon which it is established within the ministry, the base upon which the Metropolitan Toronto School Board has established it and the base upon which certain of the municipalities in the Toronto area have established it.

I am not aware there are any schools in which English as a second language is required by the students and in which the program is not being provided. I would remind the honourable member it is indeed the prerogative of the school board in that area to staff appropriately for the programs which are necessary within that area.

**Mr. Mackenzie:** Not if you don't give them the money.



**Mr. Warner:** They don't have money.

**Hon. Miss Stephenson:** They have that kind of capability within the fund allocation which is provided.

**Mr. Martel:** Oh come on, that's a copout.

**Hon. Miss Stephenson:** It isn't. It's the truth. The member just does not want to hear it.

**Mr. Grande:** Does the minister realize that after taking all the 44 teachers allocated to it by the Metro formula, adding 16 teachers from the regular classrooms and then adding 34 more paid by the special local levy, the city of Toronto still will not be able to provide English as a second language classes for half of the 6,000 children who need it within that board alone?

**Mr. Speaker:** The question has been asked. Does the minister realize?

**Hon. Miss Stephenson:** Those figures I have heard and those figures we are examining.

#### ISLAND STOL SERVICE

**Mr. Williams:** Mr. Speaker, a question of the Minister of Transportation and Communications: As the minister is aware, the federal government, as well as this government, has been supportive of a proposed STOL air service between Toronto Island airport and Montreal. Could the minister indicate to the House whether the federal government is prepared to continue to support this much-needed air service?

**Hon. Mr. Snow:** Mr. Speaker, I have not as yet had an opportunity to meet with my new federal counterpart, although I did write to him today outlining a number of topics I would like to discuss with Mr. Mazankowski. One of those items was the Toronto Island STOL service. I hope to meet with him at the first opportunity.

#### GAS AND OIL PRICES

**Mr. Peterson:** A question to the Minister of Energy: In view of the speculation that the new federal Minister of Energy may want to increase the price of oil more than the dollar a barrel previously agreed upon for July 1, I am very interested in asking the minister what representations he has made to the new Minister of Energy? What is Ontario's position? What is the minister going to do if in fact it goes up more than the agreed upon dollar per barrel?

[3:15]

**Hon. Mr. Auld:** Mr. Speaker, I have had no indication from the Alberta minister that

there is any change in the agreement Alberta made with Canada some time ago, although I do see that on June 5 of this year, Hon. Mervin Leitch, the Minister of Energy for Alberta, stated in the Alberta Legislature: "I can say to the members of the assembly that I have no information that would lead me to think the agreement isn't going to be implemented in accordance with its terms."

Furthermore, I met with Mr. Leitch here this morning and among other things we were talking about that. He was on his way to a meeting with Mr. Hnatyshyn tomorrow, I believe. Certainly he didn't give me any indication today he has proposed changing their position.

I remind the honourable member that Alberta has in the past, taken a very strong stand that "an agreement is an agreement and is not to be broken."

**Mr. Peterson:** Supplementary, Mr. Speaker: It wasn't Hon. Mr. Leitch I was referring to. There is speculation, certainly in the press and I understand reasonably well founded, that the new federal Minister of Energy, Mr. Hnatyshyn, wants to increase the price of oil more than the agreed upon dollar. There is going to be some pressure at the federal level in the cabinet to do that.

**Mr. Speaker:** What is the question?

**Mr. Peterson:** What is the minister's position with respect to that particular initiative if it comes about?

**Hon. Mr. Auld:** An agreement is an agreement and is not to be broken.

#### CENTRAL PARK LODGE

**Mr. Cooke:** I have a question to the Provincial Secretary for Social Development: I would like to ask if the minister is aware of a strike presently under way in Windsor at Central Park Lodge for senior citizens? Does she agree with my position that workers should not have to go out on strike to obtain adequate staffing, that that type of regulation should be brought in by the provincial government through a proper act to regulate rest homes, to provide for adequate staffing, to meet the needs of residents?

**Hon. Mrs. Birch:** Mr. Speaker, through you to the honourable member, no, I am not aware of that situation and I don't think I would like to comment until I am aware of the facts.

#### CO-PAYMENT FEES

**Mr. S. Smith:** Mr. Speaker, I'd like to set the record straight. At the end of yesterday's question period there was an exchange be-



tween the Provincial Secretary for Social Development and myself in which she indicated she had certain notes to suggest that our famous meeting at Chedoke Hospital was supposed to be a private meeting. I remember no such thing.

I have now checked with my staff and I assure the minister my staff is prepared to state under oath that at no time did we ever suggest that meeting would be private; at no time did any member of the minister's staff say to any of our staff that it should be private.

I can appreciate the minister may have believed in her own mind, for whatever reason, that the meeting was going to be private, but no such indication was ever given by us. I frankly resent the idea, the notion, that I would offer to have a private meeting and turn around and fool the minister by having a television camera there. It is so ludicrous as to be beyond description. I don't understand how the minister could have formed that impression and I wish, for the sake of the record, that she would withdraw that allegation because it is unworthy of her.

**Hon. Mrs. Birch:** Mr. Speaker, methinks the honourable member doth protest too much.

I have a note which was hand-delivered to my office on Friday, June 8 from his staff. It reads: "The tour will centre on an informal visit with the patients of the continuing care unit. Most residents are long-time patients with, for example, multiple sclerosis, cerebral palsy, stroke problems and multiple handicaps.

"If time permits the tour will include a tour of the whole continuing-care unit as well as the Holbrook building where shorter-term patients receive rehabilitation services."

At no time was there any indication the press would be invited.

**Mr. S. Smith:** Where does the word "private" appear?

**Hon. Mrs. Birch:** Mr. Speaker, I make many visits at the request of members to have an opportunity to talk with people in some of our institutions. We have never made it a habit of involving patients with the press. We are there to hear from them what their problems are. Many are intimidated when the press is there.

#### NOTICE OF DISSATISFACTION

**Mr. Foulds:** Mr. Speaker, under standing rule 28(b) I'd like to give oral notice, and file notice with you and with the table, of my dissatisfaction with the answer the Minister

of Natural Resources gave to my question with regard to Matacil spraying. In view of the events later in the day perhaps we could have the late night show on Thursday evening rather than today.

**Hon. Mr. Davis:** Let's have it Friday night.

#### REPORTS

##### STANDING SOCIAL DEVELOPMENT COMMITTEE

Mr. Gaunt from the standing social development committee presented the following report and moved its adoption:

Your committee has reconsidered the report presented to the House on Friday, May 25, as printed in the votes and proceedings of that date, and reaffirms that report as the committee's final report on the Lakeshore Psychiatric Hospital inquiry.

On motion by Mr. Gaunt, the debate was adjourned.

##### STANDING GENERAL GOVERNMENT COMMITTEE

Mr. McCaffrey from the standing general government committee presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill 163, An Act to reform the Law respecting Residential Tenancies.

Report adopted.

**Mr. Speaker:** Shall the bill be ordered for third reading?

Interjections.

Ordered for committee of the whole House.

**Mr. Pope:** I win my \$2; I knew you guys wouldn't do it.

Interjections.

**Mr. Speaker:** Order. If the Chair and the table officers are going to be apprised and aware of what is going on we must hear one another and we can't do so with all of this barracking.

**Mr. Gregory:** You broke your word.

**Mr. Eaton:** Your word is no good.

**Mr. Laughren:** You don't always get your way around here.

**Mr. Speaker:** With any luck at all we have about two and a half days left around here. Will you just keep it nice and cool.



## MOTIONS

## COMMITTEE SUBSTITUTION

Hon. Mr. Welch moved that Mr. Mackenzie be substituted for Mr. di Santo on the select committee on Hydro affairs.

Motion agreed to.

## COMMITTEE MEETINGS

Hon. Mr. Welch moved that the standing administration of justice committee and the resources development committee be authorized to sit tomorrow afternoon.

Motion agreed to.

## INTRODUCTION OF BILLS

## DRIVING SCHOOL ACT

Hon. Mr. Snow moved first reading of Bill 141, An Act to regulate Driving Schools.

Motion agreed to.

Interjections.

[Later (3:31):]

Mr. Speaker: I will recognize the Minister of Transportation and Communications. Would he like to explain the bill?

Hon. Mr. Snow: Mr. Speaker, I made a statement earlier in today's proceedings explaining the bill.

[Reverting (3:23):]

ALLEGATION AGAINST NDP  
RE BILL 163

Hon. Mr. Drea: Read Hansard; you broke your public word.

Mr. Laughren: You just can't live with minority government.

Mr. Renwick: Mr. Speaker, on a point of privilege.

Mr. Speaker: On a point of privilege, the honourable member for Riverdale.

Mr. Renwick: My point of privilege is that sotto voce across the floor of the House there is the allegation being made the New Democratic Party had a commitment not to return Bill 163 into committee of the whole House. No such commitment of any kind was given by any member of this—

Interjections.

Mr. Godfrey: There certainly was.

Mr. Renwick: —by any member of this caucus or of the members sitting on the committee or by the House leader of this party. I want at this time to correct any allegation before it is allowed to mushroom in the way in which the Tories wish to mushroom that issue.

Mr. Pope: It sure will mushroom. Commitments are useless.

Interjections.

Hon. Mr. Drea: I have a point of privilege. With all due respect to the remarks made by the honourable member for Riverdale, there was—

Mr. Speaker: Order, order. Will you please take your seat? Order.

There is a legitimate time for a member to seek the eyes and the ears of the chair. There was a motion before the House and the honourable member for Riverdale could have at least waited until the content of that bill was read by the table officers. It is just courtesy. It would have meant another five or 10 seconds.

Mr. Renwick: My apologies. I thought you had recognized me, Mr. Speaker. I would not have otherwise interrupted. I thought you had recognized me.

Mr. Nixon: Just keep cool for another couple of days.

Mr. Martel: Since when does the table cut a member off?

Mr. Laughren: What is the table doing anyway? Is the table running this show?

Mr. Speaker: I really don't think there is enough significance in the objections to really bother about it—

Mr. Nixon: Next vote.

Mr. Speaker: —but for anybody to be saying that anybody who is a servant of this House is out of line I think is uncalled for.

Hon. Mr. Drea: On a point of privilege, just as a reply: With all due respect to the request for a point of privilege by the honourable member for Riverdale, there was a very clear understanding in the committee on general government last Thursday afternoon that the bill would be reported and that it would be ordered for third reading. Some of the people who demanded it go to committee today came to me and asked me if certain things could not be speeded up, in fact one section reopened on Thursday, because otherwise it would have to go to committee. As a personal favour to the committee, and the Hansards can be checked, as a personal favour from the minister I asked that a section be reopened so there would not need to be a burden placed upon this House for one particular section.

All I want to say is I am frankly very shocked and amazed; there was a very clear-cut understanding, and I will just leave it at that.



**Mr. Eaton:** Right on. Your word is useless, like your policies.

**Mr. Renwick:** The minister is obviously making a reference to me with respect to section 125 of the bill. The minister came to me and said he was going to reopen that section. I am glad he did. As a matter of equity to the tenants of this province it had to be done. But I at no time, nor to my knowledge did any member of the committee from this party, make any commitment of any kind about the matter.

We asked that the bill be not reported until this afternoon so that the New Democratic Party could caucus on the bill with the amendments, which our party did this morning. It did so, so that we would have the option to determine what our course would be, and that determination was made in the caucus.

I want, once and for all, to lay to rest the canard or false allegation hurled across the floor sotto voce for the record by members of the Conservative Party.

[3:30]

**Mr. McCaffrey:** Mr. Speaker, in an attempt to clarify something at least from the position of those members of the committee who were there Thursday afternoon last. In fairness, it was one of the only days the member for Riverdale was not present.

**Mr. Nixon:** No wonder you made progress.

**Mr. McCaffrey:** The member for Hamilton Centre (Mr. M. N. Davison) and the member for Scarborough-Ellesmere (Mr. Warner) made it absolutely crystal clear—and there is no error in this—that, in the interests of getting out a bill which we all felt was in the best interests of the tenants of this province, we would indeed wait until Tuesday, with the very clear comment having been made that it would give each of us an opportunity to caucus the bill and, more important—there is no misunderstanding this—to preclude anyone, in error, from suggesting it go to committee of the whole. That is exactly how it happened.

**Mr. Eaton:** Let the member for Scarborough-Ellesmere speak up.

**Mr. Speaker:** Order. You had an opportunity to set the record straight.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Welch:** Mr. Speaker, before the orders of the day, I wish to table the answers to questions 238, 239 and 240, and the interim answers to questions 242, 243, 244, 245, 265, 266, 267 and 269 standing on the Notice

Paper, as well as the answer to question 248 and the interim answers to questions 214, 215, 216, 217, 250, 251 and 254 standing on the Notice Paper. (See appendix, page 3097.)

#### GOVERNMENT PURCHASING

**Hon. Mr. Welch:** Mr. Speaker, also before the orders of the day, a point was raised by the leader of the third party on June 18 in connection with some information he was expecting from the Ministry of Industry and Tourism. The honourable member directed questions 265, 266, 267 and 269 on Notice Paper 63 to the Minister of Industry and Tourism (Mr. Grossman). As these questions pertain to purchases made by a number of ministries, the questions should be directed to the Minister of Government Services. My colleague the Minister of Government Services has agreed to prepare a reply to these questions.

#### ORDERS OF THE DAY

##### PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT

**Hon. Mr. Snow** moved second reading of Bill 89, An Act to amend the Public Commercial Vehicles Act.

**Hon. Mr. Snow:** Mr. Speaker, in moving second reading of Bill 89, I wish to inform the House of certain amendments to the bill which I propose to introduce during committee. The two opposition critics, I believe, have already received copies of these changes. There are seven sections that are affected, although most of the changes are of a very minor nature.

First, I am proposing amendments to sections 6 and 10 which simply correct the numbering of cross-references.

Section 7 is being amended to clarify the method of notification of licensees of cancellation or modification of their licences.

Section 17 is being amended to enable the filing of a tariff of tolls in a form satisfactory to the board rather than one actually provided by the board, thus carrying one step further our efforts to avoid unnecessary rigidities in the way in which transportation regulations are applied.

Section 27 is also being amended to include the closed-door operating authority, section 6(2), along with those other sections which are proposed to come into force on proclamation rather than on royal assent. The reason is to give us a little more flexibility in bringing this closed-door provision into effect simultaneously with the other neighbouring jurisdictions which are also working at im-



plementing the CCMTA recommendation which was the source of this change.

That covers five of the sections which we are changing. The remaining two have greater substance.

The first of these involves a clarification of the definition of a commercial vehicle in section 1 of the bill to make it very plain that a passenger car loses its exemption from regulation when it is used to pull a trailer for the transportation of goods for hire. This clarification has been prompted by recent evidence that there have been some deliberate attempts to evade the provisions of the act in this manner.

The final change relates to section 11, the commercial cartage zones provision. Before speaking to the specific change I should note that since introduction of Bill 89 I have been made aware of some apprehensions on the part of industry as to the impact of the proposed change on the viability of existing carriers. It is not my intention, nor as I read the select committee was it its, that the implementation of this recommendation of the select committee should lead to drastic change. That was the reason for interposing a hearing by the board on the merits of each individual case.

Given the requirement to justify any change before the board and the opportunity afforded to all parties to present their views, I cannot see this legislation resulting in any wholesale creation of commercial zones. Nevertheless, I can appreciate the fears of some individuals. For this reason it may be useful for me to spell out clearly my intentions in bringing the legislation forward as a clear indication—in fact a commitment—as to the kinds of supporting evidence which I will be looking for in any board recommendation for the creation of a commercial cartage zone.

I need hardly remind members that this proposed legislation gives me, as minister, the right to refuse to create a zone which is recommended by the board.

My intention in bringing forward this legislation is to provide some small measure of relief where local industrial or business development spills across an urban municipal boundary. I appreciate that the present legislation allows local cartage operators to serve as far as three miles from the boundary of their municipality, but this does not apply where another urban municipality is adjacent; in other words, for a major portion of southern Ontario. Not only are there cases where the three-mile limit may be inadequate, but it seems unfair to deny local cartage services to any industry simply because

it is located on the fringe of a second urban municipality.

The main criterion, as far as I am concerned, is that a commercial cartage zone should only be established where it has been determined that there is a single local economic community of interest which overlaps an urban municipal boundary. While it is conceived that the board may find that two adjacent urban municipalities in their entirety form a local economic community of interest, I would expect the board to look at such cases very critically with respect to the existing availability and orientation of transportation services.

In most cases I would expect that a commercial cartage zone would be based upon a single urban municipality with the addition of outlying areas which interact closely with it, such as rural strip developments along provincial highways which extend beyond the three-mile limit, or portions of adjacent urban municipalities which are under-served by their own urban cottage zones.

In other words, I simply wish to allow a degree of flexibility in the existing cartage situation. Specifically, in making recommendations as to the desirability of establishing a commercial cartage zone, I would expect the OHTB to consider and report on the following: (a) the extent to which a single local community of economic interest exists throughout the area proposed for inclusion in the zone; (b) the extent of economic interaction among the businesses and industries located within the proposed zone; (c) the patterns of existing and predicted demand for local and line haul trucking services; (d) the present availability of both local and line haul trucking services to shippers throughout the proposed zone; and (e) the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

In addition to outlining to the Legislature the criteria which I will consider in determining whether or not to accept any board recommendation for the creation of a commercial cartage zone, I am also proposing some changes to section 11 of the bill to clarify the responsibility of the Ontario Highway Transport Board.

I am proposing the deletion of present reference to the district municipality of Muskoka, which forms subsection 5 of section 11, on advice from my legal advisers that it is redundant. In its place a new subsection 5 will direct the board to consider the economic impact of the creation of any proposed commercial cartage zone upon shippers, carters and public commercial vehicle operators.



In addition, this new subsection will place the board's consideration within the context of finding public necessity and convenience. Once Bill 89 becomes law this will enable the government to issue the criteria outlined above to the OHTB in the form of a policy statement for its guidance in holding commercial cartage zone hearings.

That is the limit of my comments at this time.

**Mr. Cunningham:** Mr. Speaker, I'm very pleased to participate in this particular debate today. This compendium of legislation reflects a number of changes that have transpired in the thinking of the government, the minister, the civil service and the Legislature itself.

I think back to a little over three years ago to an item of legislation, Bill 4, which I suppose was the first in a series of steps the government had intended to make with regard to effecting some change as it relates to the operation of the Public Commercial Vehicles Act in Ontario.

It would be redundant to go into the intricacies and the detail that surrounded Bill 4, except to say I think members of all parties and the Legislature itself have come a long way in their understanding of a very complex issue, transportation in Ontario. That is not to say we are complete in our understanding of this issue, but I think since Bill 4, which was not passed, and since the two reports of our select committee, members on all sides have come to appreciate what a complex issue this is and to understand there are no simple or easy solutions to the problems of transportation in Ontario.

After the select committee's reports we saw two items of legislation which unfortunately were inadequate, and I regret the delays that were attendant as a result of the inadequacy of the legislation.

We have seen some progress, though, and I am pleased with the quality of this particular bill. I think the minister should be complimented; I suppose more specifically his staff, who have gone, in my opinion, to some trouble to accommodate the industry, to accommodate the shipping public and to accommodate members of the opposition, should be complimented.

We have here the start of some real improvements to the act, improvements that reflect the spirit and feeling of our select committee report. I think after the passage of this legislation and the enactment of the bill, it's going to be difficult, certainly for myself, to complain that the spirit at least of the select committee report has not been respected.

Changes are going to be made with regard to certain commodities. It would be my hope the ministry would be attentive, aware and alert with regard to the problems that some of the people who move fresh fruit and vegetables are experiencing, and that provisions respecting enforcement, penalties and shipper collusion be enacted as soon as possible; I almost regard that as a quid pro quo for the passage of this legislation.

The restrictions respecting North Bay are to be removed and a new classification respecting lumber will be implemented. I think that in itself marks some sense of understanding we in the Legislature have for the problems in the north, for the problems facing the small carrier there respecting backhauls.

Over the course of the weekend I was doing a little reading on what goes on in other jurisdictions. I must say I personally am somewhat sensitive to the high cost of the movement of goods in northern Ontario. It would be my hope that in time a greater and more flexible licensing system may derive so that we can see a full movement of goods—loaded vehicles wherever possible—in order to do everything we can to reduce the cost of moving goods to our north.

[3:45]

The provisions respecting the enfranchisement of leasing operations or pseudo-leasing operations are most welcome by myself. I think back to discussions that the subcommittee of our select committee had with regard to this rather contentious issue. It was this issue in itself that brought about the select committee. I recall that on that subcommittee the honourable member for Scarborough Centre, now the Minister of Consumer and Community Relations (Mr. Drea), and the hard-working member for Etobicoke (Mr. Philip) and myself and members of staff spent a considerable amount of time working out compromises and seeing how we could possibly accommodate all people who were concerned.

In many ways the enfranchisement or the adapting to a legal form of people who heretofore were not necessarily operating illegally but were operating without benefit of a PCV licence, in itself is recognition of the commercial patterns that have existed in Ontario, and possibly it reflects the difficulty that many operations have had in getting PCV licences through the Ontario Highway Transport Board.

It would be my hope that the regulated industry will accept their new cousins in good faith and that people who have been operating without benefit of legislation will



come forward as prescribed in the act and make application. If they are treated fairly and objectively, in time everyone will be brought under the umbrella of the PCV Act so that we will see everyone in the province of Ontario operating under a regulated environment.

It would be redundant if I said I felt regulation was a panacea for all our shipping problems. But I do believe, especially in these days of very severe uncertainty with regard to the availability of fuel, that we are going to have to maintain a regulated system, a system that would be flexible, would be fair and would be competitive, but would be regulated, to see that we accommodate full loads wherever we can.

I find the various housekeeping amendments are in keeping with the spirit of the act. The improvement as far as uniformity of bills of lading goes will be of great assistance to those who are involved in enforcement, as will the provision for shipper responsibility vis-à-vis collusion.

I am particularly pleased to see there will be once again a formal method for the ministry to communicate its policy to the Ontario Highway Transport Board. During our brief investigation of the operations of the board this past spring it was quite apparent that all too often in too many instances the board was operating in somewhat of a vacuum. This particular provision provides one further mechanism for the minister to communicate his or her concerns and the concerns of the government to that board so that the board will at all times be reflecting government policy.

In conclusion, I appreciate the minister's comments with regard to cartage. I know there was some genuine concern from people in the industry. It is time that we moved to correct the cartage situation and to see that wherever possible cartage zones reflect areas that have a community of interest, areas that have a business community of interest. Having participated on the select committee, I think I know as well as anyone that the whole cartage issue is a very contentious one and a very complex one. I think this particular item of legislation will in many ways help us in that regard.

**Mr. Philip:** I appreciate the opening statements of the minister and the member for Wentworth North, the Liberal transportation critic. If anything has come out of this long, hard struggle we've had with the problems of regulation in this province it's that the three parties working together can eventually bring about a satisfactory solution so that everyone wins, particularly the shipping public.

I certainly rise in support of Bill 89. The bill has had a long and hard history. Bills 21 and 78 disappeared from the House. My party and the Liberal Party, of course, indicated to the government they were unacceptable, as did members of the trucking industry. Of course, I'm sure the minister realized there was that kind of opposition in the industry and he came back with what is undoubtedly a tremendously improved bill.

This bill in its present form, with its amendments, will be of great value, both to the trucking industry and to the shipping public. Although the bill does not contain all I would have liked to have seen in it, it is such an improvement over earlier bills that one must congratulate the minister and his staff for listening to the criticisms, the constructive criticisms, of the public and of the industry.

I am pleased to see that the hard work of the select committee on the highway transportation of goods is finding its way into legislation. I am pleased, also, to see that the minister is showing some leadership in developing policy that can be identified. That's certainly something for which I and the member for Yorkview (Mr. Young), who was my predecessor as transportation critic, have called for a long time. The minister must take personal credit, and I am sure satisfaction, at seeing this kind of evolution.

Undoubtedly some of the praise for this bill must go to the Ontario Trucking Association, which has spoken for the industry and which has always been accessible to members of the government as well as to the opposition. Whenever members of the Legislature have had any real problems with legislation introduced earlier or with concerns about the industry, the association was always ready to answer our questions. Undoubtedly some of the credit for this bill must go to the OTA.

Credit should also be given to the very talented solicitor we had on the select committee, Max Rapoport, who has been a constant source of information and advice to a number of members of the House. Occasionally my long-distance phone bills show that I have not been slow in consulting him even though he is in retirement. Often it required long-distance phone calls to Florida to seek some clarification and to think through some of the problems facing the industry.

Lastly, I cannot help but suspect that the new chairman of the Ontario Highway Transport Board deserves some credit for this legislation. We in the opposition are often critical of the government and perhaps of the key public employees around the government



benches and the government ministries, but certainly I have never been slow in saying I was pleased at the appointment of Mr. Alexander. I think both I and the Liberal critic have voiced our approval of his appointment, and of some of the statements he has made since he became chairman of the transport board.

Having said that, I still must confess that I cannot accept the section in the bill on the cartage industry. I am not at all certain that, even with the amendment to section 11, the bill is very much better than what presently exists. I cannot believe that entry regulation is not in the best interest of the shipper, even more than in the interest of the trucking industry. While accepting the reassurances the minister has just given, I still have the gut feeling that section 11 may be used as a form of deregulation. I will not move to delete the section. I think history will show whether or not my concerns are borne out or whether the reassurances of the minister will prove to be true.

I would be remiss, however, if I did not at least put these concerns on the record. Municipal licensing of cartage does not work; I think that is fairly clear. My suspicion is that the new regional form of quasi-deregulation will not work either; instead the board will be tied up in endless hearings. One need only look at some of the subsections of section 11 of the bill to see the board may well spend a great deal of time and energy on this.

Section 12(1) and section 11(4) overcome some of the problems I had with earlier proposed legislation. The weakness of the earlier proposals by the ministry was the possibility of someone getting around the current Public Commercial Vehicles Act by acquiring a series of municipal, or in this case it would be zone, authorities. The minister has plugged that hole and that at least shows he has been listening to what we in the opposition have been saying, to what some of the professional journals on the industry have been saying and also what the industry itself has been saying.

History will show whether I am correct that the movement of goods, be it in tow trucks or other forms of trucking, can only be regulated under the PCV Act; and I don't know of any form other than with proper proof of necessity.

As I said before, having municipal licensing or operating authorities just doesn't work. The regional or commercial zone proposal, I suspect, won't work an awful lot better. Indeed you will have a system more difficult to administer. Again, only history will show whether that is true or not.

I suspect we will have a situation where some trucks will be operating under municipal operating authority, others perhaps even across the street or across a highway will be under regional authority. We know that in the same area you will have trucks going through with PCV operating authority. I suggest that will be very difficult to administer. If we are having trouble policing the present system, I wonder if this added complication will simply make the policing problem more difficult?

On page 1-18 of the final report of the select committee, the committee makes the following important comments:

"If economic regulation in Ontario is to work, it must be viewed as a system or a complex whole, a set of connecting things or parts or a set of co-ordinated doctrines. No system can be implemented piecemeal. A truck cannot be built of parts without a design with which each detailed part is compatible. This is equally true of a regulatory system.

"The committee does not believe in regulation as an end in itself but as a means of accomplishing defined policy objectives. If not part of a policy system, regulation is ad hoc and its effect can be contrary to public interest.

"Measures are recommended in this report which will be integral parts of an effective regulatory system. The necessary system is defined and recommendations are to be made with regard to the actual workings of the system."

The cardinal principle of policy under which an integral system of regulation would be built is stated both in the select committee's interim report on page 22 and in the final report on page 1-20: "We believe that it is crucial to retain economic regulatory controls over the movement of goods on Ontario highways. To retain capability for that movement is an absolute necessity; to retain influence for control over the shape and nature of that movement is clearly in the public interest."

[4:00]

Even though all the government members supported this policy and even though the Minister of Transportation and Communication said in the House after the report was tabled that it is expected it will be in the Legislature, we still had, following the tabling of that report, the following quotation in the speech from the throne: "High transportation costs, particularly in the north, have long been a concern with shippers and consumers. Programs have been introduced at various times to help resolve this and related



difficulties. The government has concluded that the adoption of a policy for selective deregulation of the trucking industry will go a long way to removing the inequities that remain. Additional benefits should derive from the effects on the cost of doing business and in terms of encouraging the expansion of secondary industry."

Having listened to Her Honour deliver those sentences, one cannot help but feel that perhaps they refer not to the removal of the North Bay restriction, which is welcomed by members in this House, but one has the feeling that perhaps section 11 may somehow be related to those earlier sentiments.

Pardon my suspicion, but members on that side of the House have expressed those sentiments and it was in the speech from the throne. It's therefore my position that we will be watching very closely to see how section 11, the section dealing with cartage, will be operating. We will be monitoring the minister's policy statements in this regard.

I trust that the deregulation that was mentioned in the speech from the throne does not refer to section 11 and that section 11, or the cartage section, will not be simply the thin edge of the wedge towards deregulation, because the rest of the bill, the rest of the act—and it will become an act in a few minutes I trust—are just excellent.

I have spent a lot of time expressing my concern about section 2 and section 11. However, there's an awful lot of good in this act, so much so that in talking with one executive from the industry he commented: "For heaven's sakes, quickly accept the act, warts and all." The wart that he was talking about was the section on the cartage industry. He says: "We've waited so long that we'll accept it as it is." So if the industry is willing to accept it who am I to disagree with that kind of sentiment? They and the shipping public are the ones most affected by this act.

I guess I was one of the most vocal members on the select committee in advocating action against those shippers who would enter into collusion with those carriers who would violate the PCV Act. This bill sees that equal justice will apply and certainly I commend the ministry for this. This should assist in seeing that the principle of a regulated trucking industry is not violated.

The North Bay restriction is also very welcome. My colleague, the member for Algoma (Mr. Wildman), has been a long-time advocate of this. I can remember how a very important member of the select committee, somebody that all of us valued as a friend, Dick Smith, was a great advocate of this as being

an important addition that we needed, and I only regret that a great man who put so much hard work into the select committee report is not here to take some of the credit for the ideas, because some of the ideas were his.

The select committee recommended that the restrictions be removed and the member for Algoma, Mr. Smith and I and other members did so because we had heard from shippers and municipal organizations and we were convinced that it was the right step to take at this point in time. We realized that the restrictions that were imposed in the 1930s made sense at that time but they no longer make sense today.

There are a great number of other improvements in the act that we in the NDP have been advocating for some time: Changes such as uniform bills of lading, which we heard from shippers and from the shipping industry, and particularly those that we had a great deal of information from when we held hearings in the border towns, is now seeing the light of day and of course will improve and facilitate the quick movement of goods. In summary, we will support the bill joyously over most sections, but reluctantly over the section dealing with cartage.

**Mr. Bolan:** Mr. Speaker, I rise to express some concerns about one area of the bill which I have had an opportunity to discuss with the minister; that is, of course, the matter of transportation of wood products for the lumber industry, particularly from the northeast section of northern Ontario, and more particularly from the Hearst area. I realize it is only one area; nevertheless, it certainly raises many concerns in my mind, as well as in the minds of the people in the lumber industry.

One of the problems they have up there—I know that the minister is very familiar with the problem, and that he has spent much time discussing the various points with them—is obtaining public commercial vehicles to carry their lumber when a request is made of them for delivery. As the minister knows, these lumber companies have literally millions of board feet of lumber stacked in their yards. When they receive calls for the shipment of so many board feet, they have run into very grave difficulties in the past in obtaining carriers immediately for the transportation of these goods. It is an immediate concern for them when they do get a request and they can't follow through on it because, in the first place, they have lots of money tied up in that inventory—they have bank loans, and they have to pay interest on those



bank loans—and the name of the game, of course, is to get that lumber out as soon as possible.

One of the problems was expressed to me by a member of the Hearst Lumbermen's Association, who indicated to me that at one point last winter he had more than 12 million board feet of lumber sitting in his yard. He was on the verge of bankruptcy, the main reason being that he could not get delivery of the lumber.

There are two main carriers in that area, as the minister knows. There is Star Transport, which operates out of Timmins, and there is Alary Transport, which operates out of Hearst-Kapuskasing. In both instances, again, as I am sure the minister is aware—and this has been made quite clear to him by them—upon asking for a carrier of a load of lumber, the answer is from Alary, for example, "We are not going to deliver a load of lumber to Windsor or to Toronto unless we have a return load to come back with." Star Transport will say, "We are not going to Timmins to pick up your lumber unless we have a return load to come back to Hearst" or wherever the place may be. These carriers, understandably so, are not prepared to operate on a one-way load basis only; they want a return trip that guarantees them some form of revenue whichever way they are going.

The problem has been expressed clearly by the lumber company, and their concerns were clearly set out in a letter, under date of May 19, 1979, to the Provincial Secretary for Resources Development (Mr. Brunelle). I would like to put on the record for posterity some of the problems they raise in their letter—again, I understand that the minister has taken these problems into consideration and that through the W licence, as I believe it is called, he has come up with what he feels is a solution, and I would like to speak to the House shortly on that point.

I would like to read some of the comments made by the Hearst Lumbermen's Association.

"We note that we still will be required to prove public necessity and attend hearings before a licence or a certificate can be issued," a point which is the major contention presently.

"In the case of lumber for which transportation is required when the market calls for it, it is not public necessity which should have to be proven but rather industry necessity. We maintain that these special licences should be available upon request, if need be proved by industry that they are required, without the need of any hearing.

When the demand is there it is not time to attend hearings—"

Mr. Philip: How do you prove it without a hearing?

Mr. Bolan: Will the member for Etobicoke just listen?

Mr. Deputy Speaker: Would the honourable member continue and disregard the interjections?

Mr. Bolan: Thank you, Mr. Speaker.

"When the demand is there it is not time to attend hearings and debate whether you can ship your lumber or not. Certainly by this time it should be known that you do not compare the movements of lumber with that of a department store or whatever."

I think we are all aware of the fact that when one is dealing with the shipment of goods in northern Ontario it is not like dealing with the shipment of goods in Hamilton or Toronto or the golden horseshoe, places where they have transportation, carriage, available immediately. I understand what the lifting of the North Bay restrictions means. However, I am not satisfied in my own mind that that is the answer to the problem.

Although the minister has explained it to me with respect to the W licences, I would like to hear his comments again on that when he makes his reply on second reading of the bill. If I have that assurance that his ministry feels the issuance and creation of the W licence will go a long way to assist the lumber industry in the movement of wood products from northeastern Ontario, I will not bring in an amendment which I have prepared.

I am not trying to be difficult about the matter. I want some reasonable assurance from the minister's people that in the professional opinion of the people who deal with the minister they believe the situation up there, which at times as I have indicated is quite critical, could be solved with the creation of the W licence.

Hon. Mr. Snow: I thank the three honourable members who have spoken for their contribution to the debate on this long-awaited Bill 89.

I recognize the concern of the member for Etobicoke regarding the commercial cartage zones. He and I disagree on that particular matter. I really feel that with what we have now in the bill, plus the guidelines I outlined in my statement and that I propose to make official to the board, he has nothing to fear as far as the shadows or bogymen he sees or feels he may see are concerned. I don't worry about bogymen, I only worry about real things.



**Mr. Philip:** The bogymen are in the speech from the throne. They are a little bit larger bogymen, that is the only thing.

**Hon. Mr. Snow:** Mr. Speaker, I am sure you would want me to ignore the interjections.

**Mr. Deputy Speaker:** Indeed.

**Hon. Mr. Snow:** I would like to comment, though, on the comments of the member for Nipissing. We did have a discussion on this a week or so ago when we thought this bill was coming up at that time for second reading. I think I explained fully our concerns and our intention regarding the W licence.

I am also very much aware of the desire of the Hearst Lumbermen's Association. They only have one real desire and that is for the total deregulation of the hauling of lumber. This is something that has been discussed and I must say I think the provisions we have now—well, there are several things. First of all, the elimination of the North Bay restriction will have some effect. I am not sure at this moment—and I am sure the member for Nipissing isn't and I don't think anyone is—as to just what effect that will have on the movement of lumber. [4:15]

Many licensed C or D carriers—C carriers mainly—who are presently prohibited from going north to North Bay will have that restriction removed. This may make some units available in the north to haul that type of material down. I doubt if this will help too much with the real lumber part of the commodity, but it may help with the plywoods and the more finished products. Only time will tell how much additional capacity for the mills the removal of the North Bay restriction will make.

We recognize lumber as somewhat of a special commodity. It has been with this in mind we have looked at several things in the last couple of years in the other bills. We now have in the new W licence a type of licence that will be available at a modest fee. That will keep a large fee from having to be built into the rates for the hauling of lumber. It will be a fee similar to that for an R licence for the dumptruck industry. The applications will be handled somewhat in the same way as our licence applications. There will be a hearing of necessity before a licence will be granted, but we also propose there could be a hearing held, as has recently been done with the R licence, to establish the need for the number of additional licensed units necessary in any of the three areas of the province—northwestern,

northeastern or eastern Ontario—where these licences will apply.

I think we have the mechanism for keeping a regulated fleet in the lumber hauling industry, while not adding large additional costs to the movement of lumber, which is a competitive commodity, and perhaps more important establishing a system where we can assure there will be the number of vehicles necessary so there will not be a shortage. We will have a method of determining the need so the appropriate number of vehicles can be licensed.

I am satisfied in my mind that with the ability of policy direction with this new type of licence, with the ability to hold a hearing to determine the demand and with the ability to hold the hearing to grant the licences, we can assure the industrialists, the lumber manufacturers of northwestern, northeastern and eastern Ontario, that they will have adequate vehicles to move their commodity.

Motion agreed to.

Ordered for committee of the whole house.

House in committee of the whole.

#### PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT

Consideration of Bill 89, An Act to amend the Public Commercial Vehicles Act.

On section 1:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that clause (ad) of section 1(1) of the act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

"(ad) 'commercial vehicle' means: (i) a commercial motor vehicle or a combination of commercial motor vehicle and trailer, as defined in the Highway Traffic Act, drawn by it; (ii) a dual purpose vehicle or a combination of dual purpose vehicle and a trailer, as defined in the Highway Traffic Act, drawn by it; or (iii) any other motor vehicle as defined in the Highway Traffic Act while drawing a trailer as defined in that act, a combination of the motor vehicle and the trailer constituting the commercial vehicle."

Does the minister wish to explain the amendment?

**Hon. Mr. Snow:** I think I explained that amendment in my opening statement. That amendment covers the situation where an automobile now exempt from the act is drawing a trailer and hauling goods for hire and therefore becomes a commercial vehicle. There would be no doubt it would require a PCV licence.



**Mr. Deputy Chairman:** Is there any other member wishing to speak to the amendment?

**Mr. Cunningham:** Mr. Chairman, I hope the minister would make it very clear for purposes of enforcement that non-commercial vehicles have no requirement to pull in and be weighed or inspected. I think there is some concern by the public, especially people who have U-hauls, or people who are going back and forth to their cottages, that that might be the case. While it seems to be clear in the legislation I think the public may be concerned.

**Hon. Mr. Snow:** Mr. Chairman, if a motor car is hauling a trailer carrying goods for hire this amendment makes that motor car a commercial vehicle and, as such, it would have to go through the inspection stations; but it wouldn't affect people pulling trailers behind their cars taking beer to the cottage.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 5, inclusive, agreed to.

On section 6:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 6(18)(a) of the act, as set out in section 6(4) of the bill, be amended by striking out "14" in the second line and inserting in lieu thereof "19."

Motion agreed to.

**Mr. Deputy Chairman:** Did I understand the member for Etobicoke wished to speak to section 6?

**Mr. Philip:** No, Mr. Chairman; we are in agreement with all the sections.

Section 6, as amended, agreed to.

On section 7:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 6(a) of the act, as set out in section 7 of the bill, be amended by adding at the end thereof:

"and the revocation or amendment of the licence shall be effective on the fifth day after the day notice of the revocation or amendment is mailed by registered mail addressed to the licensee at his last known address."

Motion agreed to.

Section 7, as amended, agreed to.

Sections 8 and 9 agreed to.

On section 10:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 10(e) of the act as set out in section 10(2) of the bill be amended by striking out "18" in the fifth line and inserting in lieu thereof "9."

Motion agreed to.

Section 10, as amended, agreed to.

On section 11:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 11(5) of the act, as set out in section 11 of the bill, be struck out and the following substituted therefor:

(5) In determining whether to recommend the designation of a commercial cartage zone the board shall consider whether public necessity and convenience will be served thereby, taking into account the impact thereof on the users of for-hire transportation services within the area under consideration and the providers of such services; and considering the impact on the providers of such services, the board will take into account the impact on those operating exclusively within areas of the proposed zones to which this act does not apply and those who hold operating licences which would be affected thereby."

**Mr. Philip:** Mr. Chairman, we think this improves section 11. Even though we are not all that comfortable with section 11, it certainly makes us a little bit more comfortable. We are pleased that the minister met with the industry and, I gather as a result of some of his talks with them, came up with this amendment.

Motion agreed to.

Section 11, as amended, agreed to.

Sections 12 to 16, inclusive, agreed to.

On section 17:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 12(k) of the act, as set out in section 17 of the bill, be struck out and the following substituted therefor:

"12(k). A tariff of tolls shall be filed in a form satisfactory to the board and any tariff so filed shall be published and maintained available to the public by the board."

Motion agreed to.

Sections 18 to 26, inclusive, agreed to.

On section 27:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 27 of the bill be struck out and the following substituted therefor:

"27(1). This act, except section 3, subsections 2, 3 and 4 of section 6, subsection 2 of section 8, subsection 2 of section 10 and sections 19, 21 and 26, comes into force on the day it receives royal assent.

"(2). Section 3 comes into force on August 1, 1979.

"(3). Subsections 2, 3 and 4 of section 6, subsection 2 of section 8, subsection 2 of section 10 and sections 19, 21 and 26 come into force on a day to be named by proclamation of the Lieutenant Governor."

Motion agreed to.

Section 27, as amended, agreed to.



Section 28 agreed to.

Bill 89, as amended, reported.

## HIGHWAY TRAFFIC AMENDMENT ACT

Consideration of Bill 90, An Act to amend the Highway Traffic Act.

On section 1:

**Mr. Roy:** Mr. Chairman, on the last occasion we discussed this bill, my colleague the member for Nipissing (Mr. Bolan) raised a matter pertaining to section 1 with respect to an amendment to the existing section 7(a) which pertains to the definition of a driver. [4:30]

At that time I joined in the debate and expressed concern about how the word "driver" could be interpreted. Since that time, I have had occasion to discuss this with the minister and review the jurisprudence on the point. There was a decision by Mr. Justice Robins of the Supreme Court of Ontario noting there was some confusion about the word "driver." An explanation was given by the minister as to when the word "driver" was inserted in the act—I think it was 1973—and the confusion that can arise from that.

With this explanation I am satisfied this amendment clarifies what a driver is. However, I still express concern—and I think our concerns are clearly on record from the last occasion we discussed this bill—that the definition is extremely wide. Thinking about the section, I have not seen any solution about how we could narrow it down and at the same time effect the purpose intended by the amendment. On that basis I have no further comments to make on that section.

I do have comments to make on section 2(1)(1) of the bill.

Section 1 agreed to.

On section 2:

**Mr. Deputy Chairman:** Let the minister speak first. He may solve all your problems.

**Mr. Roy:** I hope he does.

**Hon. Mr. Snow:** I'm not happy with this amendment at all and I am going to put it forward with great reluctance. I really think what this amendment is doing is unnecessary and regressive as far as the meaning of this act is concerned.

**Mr. J. Reed:** Then why are you doing it?

**Hon. Mr. Snow:** I recognize a legal point that the lawyers have been arguing about for some time, so perhaps with the mood of the House today I will propose the amendment and then, if it doesn't work, I will be able to say it was somebody else's fault.

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 14(1) of the act as set out in section 2(1) of the bill be amended by inserting after "for" in the third line the word "reasonable."

**Mr. J. Reed:** You wouldn't use "reasonable."

**Mr. Deputy Chairman:** Does anybody wish to speak to this amendment?

**Hon. Mr. Snow:** I would like to explain it.

**Mr. Deputy Chairman:** I assume you all understand it and have it before you.

**Mr. Philip:** We don't have the amendment before us.

**Hon. Mr. Snow:** I'm sorry, this amendment wasn't distributed. It was something we just concocted up here.

**Mr. J. Reed:** Typical Tory ad-hockery.

**Hon. Mr. Snow:** The meaning of all that is that the bill previously said a driver must produce his licence for inspection upon the demand of a constable or officer appointed for carrying out the provisions of the act. There has been a situation where an individual reached into his pocket, pulled out his licence, put it back into his pocket and said, "I produced it." Of course, the officer was not able to see it. I am not very happy with that kind of a thing being in this act.

The amendment in the act—not the amendment I submitted—says: "Every operator of a motor vehicle shall carry his licence with him at all times while he is in charge of a motor vehicle and shall surrender the licence for inspection upon the demand of a constable or officer appointed for carrying out the provisions of this act." That is the subsection my honourable friend from Ottawa East objects to. On a very narrow point of law here, he tells me an unreasonable constable could say he needed that licence for 24 hours, 48 hours or seven days to inspect it. I don't think the police forces of our province or our municipalities are going to take that attitude.

The amendment I have just given says the driver must surrender the licence for reasonable inspection. That still covers the point I want to cover in the act and I hope that will satisfy the honourable member.

**Mr. Roy:** Mr. Chairman, if I may make some brief comment about that I will say in passing I suspect the reluctance of the minister to make the amendment. He was fortunate I was here because I suspect this amendment may not otherwise have been made. I don't say this in a facetious fashion but I suspect it may not have been in there, seeing the minister's reluctance in proposing the amendment.



Let me explain, Mr. Chairman, what my concern was about that section. First of all, the act read before that an individual "shall produce his licence for inspection." Having read the act the way it was originally worded and looking at this amendment, it immediately dawned on me what must have happened, why the amendment was necessary. Not knowing the factual situation, I suspect some individual, possibly with some legal training, on some—

**Hon. Mr. Snow:** An inebriated lawyer.

**Mr. Roy:** Well, you put it on the record, but they do take liquor once in a while.

What happened was this individual was testing the limits of the law. Having been stopped on one evening he probably did exactly what the minister suggested—took his licence out and said, "I am producing it," but did not give the constable an opportunity to inspect it. Or he said, "You inspected it. I have produced it and you inspected it," but did not give him a chance to read the particulars on the licence. As it turned out, this is exactly what had happened.

Every time you enact laws, Mr. Chairman—you know this—the law has to be as reasonable as you can possibly make it and it has to apply to the widest range of people, but at both ends you have people who may take advantage of the law. At times there is just no way to enact a law involving all the people who will abuse it. We see it with our Criminal Code all the time; with as many amendments it has had and as encompassing as it is, it is still sometimes not adequate.

You know, Mr. Chairman, from your experience, not only as a member here but as a member of the executive branch, the Criminal Code is not sufficient, for instance, to deal with organized crime. There is a particular *modus operandi* there which cannot be covered by certain laws such as those in the Criminal Code.

This is what happened in this case; an individual abused the law and I can understand and appreciate the amendment.

Before the amendment proposed by the minister the act said the individual "shall surrender his licence for inspection." First of all, the word "surrender" has a connotation which is somewhat frightening to people who tended to value their driver's licence—that you take your driver's licence and you surrender it over—but having seen the interpretation by the courts that the word "produced" was not sufficient, I can understand that.

Then they went on to say "surrender their licence for inspection." My concern is, having blocked one end of the abuse, possibly

you leave it open on the other side that an over-diligent police officer enforcing this section—and I want to make it clear again that the amendment deals with people and that the majority of police officers wouldn't even think of doing that. The majority of police officers, whom we have come to respect and support in this province, would basically understand that section permits them to have the licence, read the particulars on it, possibly use their car phone, check with the computer if everything is okay and give the licence back.

I felt the possibility existed there, Mr. Chairman, that if the word "reasonable" was not there, there was no one to interpret what the inspection involved. So you could have had a situation where a police officer who didn't like Joe Blow who kept rodding his car around the town or something could say, "Let's have your licence and give me the next 10 or 12 hours to inspect it." In other words, he could have used that section under the guise of inspecting it for suspending the licences of individuals for a limited period of time.

I just wanted to have a situation where it was clear that police enforcing such a law would be reasonable. The word "reasonable" is used all over the Criminal Code. It's used all over the place when we're talking about statutes which affect enforcement and punishment, that police use reasonable and probable grounds. That word is used repeatedly in law.

That was the reason I tried to convince the minister that while I was concerned about the word surrender, at the other end I was also concerned that the inspection by the police officer was reasonable. Therefore, if someone tried to abuse this section by taking a licence for a period of be it two or three hours, be it 10 hours—I'm not suggesting that he would have taken the licence for a week, because I think then the courts would have certainly said that that was not the inspection they had in mind—I felt that in having the word reasonable there, if a police officer was to take someone's licence for a period of 12 hours or 24 hours in these circumstances someone would be there to judge that maybe that was not reasonable in the circumstances.

So I hopefully, with this type of amendment—

**Mr. Ashe:** You're supporting the amendment.

**Mr. Roy:** Yes, I appreciate that, but the thing has got to be on the record—the member for Durham West, as usual, his contribution to the debate is limited to shouting and



using his hands. I just want him to understand that those of us on this side involved in the legislative process, and sometimes involved even in the administration of the law itself, like to see that we draft the best laws possible. We feel there is some onus even for members like him to understand what the amendments are about.

On that basis I wanted to make my comments very clear and say to the minister that when he looks back in his old days at legislation he will not have to regret the day when he inserted the word "reasonable" in the statute. I don't think this is the type of amendment that is going to come back to haunt him, and it seems to me that that is the type of progressive and well balanced legislation which we should get out of this assembly.

**Mr. Philip:** The member for Ottawa East says the member for Durham West only interjects, or does not contribute much to the debate. I've heard more concrete, reasonable proposals from the member for Durham West and at least he is here constantly and does not just come in for an occasional interjection on a legal technicality.

I think that what is dealt with in law is a real response to a real problem. The member for Ottawa East does not in any way convince me that this is a potential problem. I recognize that the minister has compromised to the member as a way of getting the bill through quickly. I won't take any more time. I won't support but I won't object to the amendment.

**Mr. Deputy Chairman:** All those in favour of Hon. Mr. Snow's amendment will please say "aye."

All those opposed will please say "nay."  
In my opinion the ayes have it.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 9, inclusive, agreed to.

[4:45]

On section 10:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 96(1)(a) of the act, as set out in section 10 of the bill, be amended by striking out "or" at the end of subclause (i) and by adding "or" at the end of subclause (ii) and by adding thereto the following subclause:

"(iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation."

He further moves that section 96(5a) be amended by striking out "located on the roof

of the vehicle" in the third line and by inserting after "light" in the fourth line the words "visible from all directions."

**Hon. Mr. Snow:** I will explain it very briefly. I think on introduction of the bill, I told the House I was going to move this amendment, and this includes ambulances as well as the police vehicles and fire apparatus. The second amendment, I moved because some of the older fire engines don't have a roof on the cab where the light can be mounted. This means it doesn't necessarily have to be mounted on the roof.

**Mr. Roy:** I think this is a wise amendment. I have discussed with the minister a factual situation that happened recently in the city of Ottawa where a motor vehicle was involved in an accident with an ambulance. The question of liability for very extensive damages was an issue involving a long trial. It was a very unfortunate situation in that the driver of the motor vehicle was a paraplegic.

I think it was necessary to clarify the law. I was involved in that case before the Supreme Court and it was a real problem in determining the question of liability between the parties. There was no way of settling any action of this nature. I think with the law as it stands now, there would have been no question as to liability. It would have solved the problem without involving a lengthy and very costly trial. I think the amendment helps clarify the law in that regard.

Motion agreed to.

Section 10, as amended, agreed to.

Section 11 agreed to.

On section 12:

**Hon. Mr. Snow:** Mr. Chairman, I have a rather lengthy amendment here, but I guess it has to be read into the record at least once; is that right?

**Mr. Deputy Chairman:** Yes, I think perhaps it should be at least read once.

Hon. Mr. Snow moves that section 12 of the bill be struck out and the following substituted therefor:

"12(1) Subsection 1 of section 120 of the said act, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 29, is amended by inserting after 'children' in the second line 'or mentally retarded adults' and by inserting after 'school' in the second line 'or a training centre.'

"(2) Subsection 3 of the said section 120, as re-enacted by the Statutes of Ontario, 1975, chapter 64, section 1, is amended by inserting after 'children' in the third line 'or mentally retarded adults' and by inserting



after children in the eighth line 'or mentally retarded adults.'

"(3) Subsection 5 of the said section 120 is amended by inserting after 'children' in the fourth line 'or mentally retarded adults' and by adding at the end thereof 'or a training centre.'

"(4) Subsection 6 of the said section 120, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, 1975, chapter 64, section 1, and 1977, chapter 54, section 14, is further amended by adding at the end of clause (a) 'or for transporting mentally retarded adults to and from a training centre' and by repealing clause (h) and (i) and substituting therefor the following clause:

"(h) requiring the retention of prescribed books within vehicles or any class or type thereof and prescribing the information to be contained and the entries to be recorded in the books."

**Hon. Mr. Snow:** I believe I explained during second reading of the bill that in that amendment the last paragraph refers to the log books. I think it is self-explanatory. The balance of it is to implement the contents of the private member's resolution put forward by the member for Wellington-Dufferin-Peel, which I believe was supported by all parties in the House. It provides for the use of school bus safety features when transporting mentally retarded adults.

Motion agreed to.

Section 12, as amended, agreed to.

Sections 13 to 15, inclusive, agreed to.

Bill 90, as amended, reported.

#### PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT AMENDMENT ACT

Consideration of Bill 99, An Act to amend the Public Transportation and Highway Improvement Act.

**Mr. Deputy Chairman:** Are there any amendments to be put forward by the minister?

**Hon. Mr. Snow:** With a bill with a number like that, Mr. Chairman, I would almost like to move that we delete the whole bill.

On section 1:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that sections 1 and 11 of the bill be struck out.

**Mr. Philip:** I appreciate that the minister has responded to some of the concerns that were voiced by members of the New Democratic Party on section 1. I had circulated to the minister the fact that I was prepared to move an amendment to section 1 that

after the word "route" would have added "as prescribed by regulation or specified in the traffic control manual for highway work operations, published by the Ontario Ministry of Transportation and Communications." The minister, in turn, said he would rather delete the section and continue to monitor and look at the problem. I can appreciate that he has done this and, therefore, I will not move my amendment, now that he is deleting it.

I would like the minister to give his opinions on one question for the record. I have met with some of his staff and I am still not certain as to the actual status of the traffic control manual for highway work operations. We know this is published by the Ministry of Transportation and Communications. I was told in the meeting I had, following my concerns on section 1, that this is continuously updated and that new studies and various situations are dealt with.

In looking through the manual, it certainly seems fairly specific. One would think the ministry has been doing a considerable amount of work at developing rules for adequate signing to cover most situations. I guess my concern is what steps are being taken to ensure that the municipalities in particular—and I am a little less concerned about the Ministry of Transportation and Communications employees who, I am sure, probably use this as a Bible—but other groups also, such as private contractors and so forth, are following this manual, since one would assume that the situations dealt with in the manual involved a considerable amount of thought and make a considerable amount of sense. I would like the minister to address himself to that.

Why is it, that, instead of deleting section 1, he is not moving in the opposite direction, which would at least give additional weight to this manual?

**Hon. Mr. Snow:** Mr. Chairman, the document referred to by the honourable member, the highway work operations manual, is not a legal document; it does not have a legal status. It is a guideline put out by the ministry for use by ministry staff. It is accepted by most municipalities and, I think, by most contractors as a guide for proper signing and safety measures when work is being done on a highway.

The manual is under active review and expansion at the present time. The Municipal Engineers Association is involved in the review. It will be revised, and there will be wide distribution of the manual to many municipalities in the province.

The situation right now is not a difficult one. We were attempting to clarify and



simplify procedures by the amendment in this bill. The honourable members have expressed some concern and, rather than make or accept any hasty amendment at this time—this act is amended on almost an annual basis—I would prefer just to delete the two sections involved, section 1 and section 11; then, on completion of the review of the manual and after giving some further thought to this matter, perhaps we can come back with a more complete reasoned amendment the next time the act is amended.

**Mr. Philip:** Mr. Chairman, is the minister's concern one of the need for flexibility, since the manual has not yet been completed to the fullness that he or his staff would like, or is it one of concern over possible litigation, that perhaps the ministry would be more subject to court action for specific violations where either the ministry staff, a contractor's staff or a municipality's staff have violated this? I wonder if he can give us some indication of how he would weigh those two possible objectives. Perhaps it's both reasons.

**Hon. Mr. Snow:** I must admit I am having a little trouble trying to understand what the honourable member wants. First of all, I have explained to him that the document he is referring to is a guideline put out by the ministry. It is something we update periodically. It is very difficult in a guideline manual that defines signing and safety barriers and precautions that must be taken during construction jobs—there has to be some degree of common sense used on a job, depending on the grade, the curves, or whatever the situation may be. It is not our intention to put that manual forward as part of an act or as a legal document.

[5:00]

There is the concern that there might be times when our staff would be called upon if there were litigation over whether a sign was properly installed on a construction job and an accident was caused. From the wording of that amendment, as I read it, my staff and engineers would be called into every court case to determine whether the sign was installed in accordance with the manual. As the manual is not a legal document but a guideline, I don't think this is the proper thing to do.

In dealing with this, the courts normally hold road authorities liable if they are negligent. The courts decide whether the construction site was properly signed and lit and whether it was safe or not.

The provision we were trying to bring in in this amendment was simply to eliminate

the need for the actual signing, if the road was closed because there was a roadside detour. I guess the ministry has been living with that provision in the act for a number of years. The members have expressed concern about it. I propose to delete these sections and ask for a few more months' time to bring back an amendment after everything has been properly looked into.

**Mr. Deputy Chairman:** The minister has moved that section 1 and section 11 be deleted from the bill.

Motion agreed to.

**Mr. Deputy Chairman:** That will result in renumbering. We will use the numbers as printed in the bill.

Sections 2 to 10, inclusive, agreed to.

On section 12:

**Mr. Deputy Chairman:** Hon. Mr. Snow moves that section 12 of the bill be struck out and the following be substituted therefor: "That this act comes into force on the day it receives royal assent."

Motion agreed to.

Section 12, as amended, agreed to.

Section 13, agreed to.

Bill 99, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported three bills with amendments.

### THIRD READINGS

The following bills were given third reading on motion:

Bill 89, An Act to amend the Public Commercial Vehicles Act;

Bill 90, An Act to amend the Highway Traffic Act;

Bill 99, An Act to amend the Public Transportation and Highway Improvement Act.

**Hon. Mr. Welch:** Mr. Speaker, the next two orders are 17 and 19 dealing with municipal hydro restructuring. I would remind the members of the House we are sitting only until six this evening.

### HALTON MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

**Mr. Ashe,** on behalf of Hon. Mr. Auld, moved second reading of Bill 119, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Halton.

**Mr. Speaker:** Does the parliamentary assistant have an opening comment?

**Mr. Ashe:** Yes, very briefly, Mr. Speaker. This is the first of two bills restructuring



the hydro-electric services in the regional municipality of Halton and also in the regional municipality of Durham. This piece of legislation creates four utilities in the four local municipalities in the regional municipality of Halton. There has been some concern indicated by the municipality of Halton Hills that they would not have enough time to organize the transitions before January 1, 1980, so we will be proposing an amendment in committee that would give them a three-month extension on the option of coming together under the new utility.

**Mr. J. Reed:** In addressing this bill I should point out that this restructuring will take place on an expanded municipal basis. I say that because I know the original intent of the government when regional government came into existence was to create regional hydro utilities.

I think Ontario Hydro and the government both recognize that the expanded municipal concept is a very viable concept for hydro restructuring. I would serve notice on the government too that if, as is the fear expressed by a few, this might be one step towards a regional system I for one would be very much opposed to the implementation of any such regional eventuality.

I feel the big beneficiaries of this restructuring, or the immediate beneficiaries, are going to be the rural people, who traditionally pay a substantial premium for their electric power. With this restructuring, the rates will find themselves coming together, possibly over a period of time, but the decision as to how to accomplish those objectives will be made by the new utility.

I should also like to point out that in the Halton restructuring, we have a relatively simple situation in three of the four utilities where we have one commission which is simply expanding its boundaries. The difference that exists with Halton Hills is that there are two municipal commissions in existence, the Acton Hydro Commission and the Georgetown Hydro Commission, and the area of old Esquesing is the rural area. It stands to reason then there are certainly more difficulties in ensuring a smooth transition from the situation as it exists now into this new expanded municipal concept.

I want to go on record as being disturbed, if the information given me is correct, that the bill which brings this into effect was first presented to the commissioners only on May 25, 1979. We know this matter had been debated by a task force; it had been given consideration and so on, but the bill itself was only shown to them at that time. This

has been one of the causes of the difficulty and the reason for the request to delay implementation. It is physically very, very difficult to do it in the kind of time originally scheduled. I think the commissions very rightly felt they were being herded in a direction they did not want to go without due, proper consideration and without the proper groundwork to provide for a smooth transition.

At this time, to all of those commissions whose faces will change as a result of this bill I would like to pay tribute for the work they have done, to their efficiency and effectiveness and to the role they have played in the Halton area in the past. They have been manned by people who have been dedicated and consistent in their work and certainly it is fitting to pay tribute to them at this time.

The task force that looked at this bill made recommendations that do not entirely agree with the contents of the bill. Three of the municipal systems agreed with the task force. The fourth one, Halton Hills, made recommendations which are not consistent with this bill. However, since that time the commissions themselves have got together and worked out this method, the method of simply delaying the implementation of the thing for three months which will allow them to do a proper restructuring job. I welcome, then, the amendment by the honourable member which will simply put back the date of implementation from January 1, 1980, to April 1, 1980.

I should also point out that between the two utilities in the Halton Hills area there has been a great deal of sacrifice on the part of both commissions and a very mature understanding of the direction in which this bill would take them. I would like at last to express my appreciation to the members of both those commissions who worked with me to give a very reasoned and understanding consideration, who were able to put by the personalities of the moment and so on to look forward to what we hope will be a step in the right direction.

I firmly hope and believe this kind of step, this enlarged municipal step, will save us from a regional concept as was once envisaged. I think it is very important to put that on the record. I sincerely trust the expansion will have the desired effect for the rural people.

**Mr. Swart:** Mr. Speaker, the bill we have before us, Bill 119, is very similar to a number of bills that have brought about restructuring in the various municipalities and



regions in this province. We in this party have supported the other bills with some reservations and with the introduction of some amendments which didn't receive the approval of the House.

[5:15]

Bill 119 is perhaps less controversial than the bill for Niagara or the bill for Oxford or some of the other areas where there were two classes of local municipalities, one where the municipality was to supply all of the hydro within the municipalities and others where the rural hydro was still supplying part of the municipality. In those municipalities where there were two authorities supplying the hydro there were obviously some concerns, because the costs varied substantially between one and the other and there were parts of the urban areas left out of the urban commissions and, therefore, even though they were urban areas they had to pay a much higher rate. That doesn't exist in this bill, where we have the four municipalities and a commission for each supplying all of the consumers.

As has been stated by the member for Halton-Burlington this will primarily be of benefit to the people in the rural areas of these municipalities and, of course, those urban areas which formerly were supplied by the Ontario rural hydro. In those four municipalities, it is going to provide a substantial improvement over what they have at the present time.

The provisions in this bill have been worked out in a number of bills and are similar to a number of other bills; it seems to me they give adequate protection to the employees. This must be of concern to those who now work for the rural hydro and, for that matter, who work for the existing commissions who will be assured of job security in the bill which is before us.

I am not going to go into any details with regard to this bill or even with regard to the principle of the bill, because it has been debated at least half a dozen times in this House over the last two years. I will simply say our party is going to support Bill 199 without any amendments.

**Mr. Speaker:** Does any other member wish to speak to the bill? If not, the member for Durham West.

**Mr. Ashe:** Thank you, Mr. Speaker. I will be brief. I want to start off saying I appreciate the expediency with which we have been handling second reading of this bill. I will just touch briefly on the points mentioned by the member for Halton-Burlington.

He talked about the timing. It is very true, the date of May 25 is about correct when they actually saw the bill per se. Of course, there had been ongoing involvement and discussion with the local study team with the knowledge of the existing commissions of what was happening. I wouldn't want to leave the impression that was really the first time they ever became aware that legislation was forthcoming.

There was every intention at that time and since that the legislation could be finalized in this sitting, but recognizing the possibility it would not and we would run out of time, finalization will be left over until the fall. But that was never the intent and I don't think it was ever indicated as being the intent per se. It was just recognizing a possibility.

The member for Halton-Burlington makes an excellent point, to which I would also add my remarks, relative to a regional utility versus the lower-tier utility we are now going forward with in this legislation and in bills passed in the not-too-distant past as well. It does make viable utilities within the local tier level and it will suit the purposes and serve the needs very well of those municipalities and the people they serve.

If there is ever any expansion of that, I suggest it will be on the impetus of the utilities themselves and not on behalf of this government. I would suggest that is not imminent and I would concur with that completely.

The member for Welland-Thorold (Mr. Swart) touched upon the similarity of this bill to previous ones and there's no doubt it is similar. It also embodies the principles coming out of the Hogg report and it does, as was already mentioned, contain full protection to employees.

In closing, I would also like to acknowledge the assistance and co-operation of the honourable members and of the municipality and the local study team for the efforts they've put in, and the commissions now in existence and their staff. They have all been very co-operative with the staff of the Ministry of Energy and Ontario Hydro and myself personally and for that I thank them.

Motion agreed to.

Ordered for committee of the whole House.

#### DURHAM MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

Mr. Ashe, on behalf of Hon. Mr. Auld, moved second reading of Bill 123, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Durham.



**Mr. Ashe:** Very briefly again, the principles of this bill are very similar to the one we've just dealt with and previous ones. It in effect dissolves the 12 existing utilities, the commissions within the regional municipality of Durham, and creates eight new utilities, seven of them being hydro-electric commissions and one, the city of Oshawa, being a public utilities commission. Again the general principles contained therein are very similar to the bill which just passed second reading and other similar restructuring legislation.

**Mr. J. Reed:** Mr. Speaker, I think most of the comments that were made about the previous bill can be applied to this one. There are a few mechanical differences in Bill 123 but the principle of the bill is the same. It provides for the same benefits and should have the same effect. If there's one thing I neglected to say in speaking to the last bill, one of the further hoped-for objectives of the enlarged municipal concept is that it will also have a longer term positive effect on the urban areas in terms of service and the ability to upgrade equipment as the years go on.

**Mr. Swart:** Mr. Speaker, we will support this bill but with somewhat less enthusiasm than we supported the previous bill. There are three differences in this bill, one of them—already mentioned—with which we find some disagreement. This bill provides that the public utilities commission will continue to operate the bus system in the city of Oshawa. I think—correct me if I am wrong—that's unique in Ontario. I think it is an excellent idea that rather than setting up a separate commission the public utilities commission there would operate the bus system as well as operating the hydro system and operating other public utilities as formerly. So we are in support of that.

I understand though that the city of Oshawa has some concern about the initial composition of the commission formed by this bill. I realize there is a need for uniformity in the various commissions which are established. However, Oshawa would like to have seen its five-member commission extended until the time of the election in the fall of 1980 and have had one member added from the rural area. This would have given a six-member commission. Because this was only going to last for a year and a half it seems to me the government could have accommodated that wish of the city of Oshawa.

I don't think it's of the magnitude that our party is going to be moving an amendment to it. However, they felt it would have provided for a smoother transition. It would have meant the members who are now serving are

familiar with what is taking place and have been very active in the restructuring would be able to have carried through until 1980, until the whole new commission was set up and in operation. I think the government could have bent far enough to have permitted that for the city of Oshawa.

I must say I have some difference with the member for Halton-Burlington with regard to the principle of this bill. There is a substantially different principle in this bill to the previous bill we were discussing; that is, that half of the municipalities in this bill, four out of eight, will have two authorities supplying them with hydro. That was not true in the other bill. When one has the re-establishment of the old commission boundaries, this does create some problems. Where there are new subdivisions which have developed or are developing or are going to develop outside those boundaries, they will have to be connected up to the rural system.

I recognize this is not as serious as it was in the Niagara area for two reasons. One reason is that the freeze in Durham has only been in existence for five years. That is long enough, but compared to Niagara, where it was in effect for 10 years, it is only a short period of time. Therefore, there is not such a change within those municipalities. I guess one couldn't call the Newcastle area basically rural, since with the town of Bowmanville, which has some 12,000 people, Newcastle with a couple of thousand and a couple other urban municipalities it has a large urban population. There has been some growth in some of those municipalities outside of the existing commission boundaries. Those will be continued for a period of time and, in the other three more rural municipalities, almost indefinitely those urbanites will be connected to the rural system when they could be connected to the adjacent urban system.

The whole principle in this bill, which is not in the previous bill, of re-establishing hydro commission boundaries the same as they were five years ago or 10 years ago or 15 years ago, without giving any consideration whatsoever to the growth that has taken place and the areas that have urbanized, is a bad principle. I spoke at length on the Niagara bill, and I am not going to repeat all of it here at this time. I think it is worth pointing out over and over again that in these restructuring programs the government surely should permit the municipalities to look at their commission boundaries and have those boundaries conform with the urban service areas or with the



actual urban areas that exist within those municipalities, instead of with the old arbitrary boundaries which cut right through the urban areas.

I realize that the amendments which were put in the Niagara bill were not approved by the Liberals on the right, who thought what took place 20 years ago should still stand now, or by the party across the floor. I am not going to introduce an amendment at this time because, as I have already said, the situation is not as serious as it was in Niagara, and it would stand little chance of success in this House.

Nevertheless, we are going to keep plugging away for this principle. I suggest that in the not-too-distant future the government is going to have to break down and adjust some of those boundaries which they have just recently set up under these bills because they simply do not conform to the situation as exists, namely, the urbanization in those municipalities.

This bill also contains those provisions with which we find favour for the security of employment for employees and a great many other measures which we support. Therefore, we will be supporting this bill and not putting any amendments to it.

**Mr. Nixon:** I wanted to speak briefly on both these bills. As we expand the areas which are going to come under the jurisdiction of public utilities commissions, it means that fewer and fewer of the residents in what are or were rural areas are going to be direct customers of Hydro.

[5:30]

I know the honourable parliamentary assistant must have read the article in the *Globe* a couple of days ago, indicating that as the number of direct customers of Hydro grows fewer and fewer, the costs of serving those customers escalates. The minister knows this means the cost of electricity purchased directly from Hydro, particularly in the rural areas, is going up faster than it is for residential service in urban areas. It is already higher than similar services elsewhere in Canada and it is a matter which must concern us as members of this House. I know the parliamentary assistant, with aspirations to the ministry, must really take this as a challenge because the time has probably long since come and gone when this House should have given attention to a containment of the increase in the costs of electrical service to the rural customers in the province. The question is whether as these customers decrease in number, the cost of servicing can be maintained. I feel, and I think many

reasonable people would feel, the costs of this service should be shared across the whole of the province. I hope the minister, or the parliamentary assistant, perhaps soon to be minister, would agree.

**Mr. Ashe:** Mr. Speaker, I think I have to start off with the last speaker first, as he kept promoting me right along. I would just hope he would inform the Premier—

**Mr. Nixon:** The Premier is never in the House.

**Mr. Ashe:** —so it would be suitably recognized in the end-of-month paycheque. I thank the honourable member very much anyway.

Going back to the order, I would like to thank the members opposite generally for their support, and particularly the member for Halton-Burlington, who indicated his full support. The member for Welland-Thorold brought up a couple of points I would like to address very briefly.

I think the first one he mentioned of particular note was the uniqueness of the bill, if you will. I suppose it is rather unique in the restructuring process that the Oshawa Public Utilities Commission still has control over the bus system in the city of Oshawa. Of course, that in itself is not unique within Ontario. There are other PUCs that operate bus services in the province, although I do not think there have been any in previous restructuring legislation. It is not the only one. The reason it is carrying on is it was the request of the city. They have been providing that service, apparently reasonably well, I would understand. It is working well. Of course, it is never the intent of this government to upset something that does work well. We just like to compliment it and let it carry on.

**Mr. J. Reed:** You made a mess of our area.

**Mr. Swart:** If it's working well, it's something over which you don't have control, like the transport system in Oshawa.

**Mr. Ashe:** As far as the size of the commission is concerned, there is no doubt we gave great thought to the approaches made by the commission in Oshawa, and as a matter of fact, the municipality itself. I think it is fair to say we weighed them very carefully, but felt for the sake of uniformity that there did not seem to be any great case or any great shift in the experience loss in that commission. They were only going to lose one experienced person and would still have four fifths of that experience carrying on. There would be more than enough continuity into the new commission.



The honourable member also brought up the argument, as he has done previously, relative to equity for the rural hydro users. Of course, that ties in very well with the concerns expressed by the member for Brant-Oxford-Norfolk in that if we did go along and adjust and expand and skim the cream from the urban areas adjacent to urban municipalities, that would just put further pressure upon the rural hydro system in the province of Ontario, regardless of the rate structure they were now under. That is why, under the present rules and guidelines, we are putting that onus on the municipal councils to ultimately make the decision as they see it fair and right and feasible financially. When they wish to expand the service area of their commission, they do it to their municipal boundaries. In the case of Durham, this is not feasible at this time so that is why it is not happening.

The member alluded to the fact that there were still two hydro authorities within some of the municipalities in Durham. That is basically correct, but this is not unique in that as was already identified in many of the other restructurings, including Niagara, this held true. It is not that there are two commissions within a municipal boundary. That is consistent. What it is saying is there is a commission serving all or part of a municipality, with the balance being served as at present by Ontario Hydro, and that is all. There is one commission for one municipality.

Just being more specific, in the present makeup in Durham there are two municipalities that have three commissions plus Ontario Hydro; there is one municipality that has two commissions plus Ontario Hydro; there are four municipalities that have one commission only, two of those serve their total area, two of them serve part, and two of them are partly served by Ontario Hydro. There is one municipality—namely my own, the town of Pickering—that does not have a commission at all at this time and is served exclusively by Ontario Hydro. So we, in effect, eliminate 12 and create eight, as there are eight lower-tier municipalities within the regional municipality of Durham.

In the case of the urban south municipalities, that is to say Pickering, Ajax, Whitby and Oshawa, they will serve to their respective boundaries, including the newly created commission in the town of Pickering. In the case of the other municipalities, again they are not serving their full boundaries because it is not economically feasible at this point in time.

The member for Brant-Oxford-Norfolk, of course, brings up a very legitimate concern

of many relative to the future for rural hydro rates. There is no doubt the trend has been up, it will continue to go up, and we are not attempting at this time to put any further pressure on those rates by removing more of the cream around existing service areas, but there is no doubt that the government, and of course the Ontario Energy Board, is looking at the feasibility and practicability and possible changes for the future that might equalize and rationalize the problem for the rural user.

There is no doubt that one can argue both sides of this issue, the first one being it costs a lot more to serve that area so why shouldn't they pay more, and yet the other side, in terms of equity and shouldn't everybody pay the same throughout the province, has an equally valid part to the argument.

This is being examined very closely and of course recommendations will be coming forward very shortly that may in the short or medium term solve the problem.

Motion agreed to.

Third reading also agreed to on motion.

House in committee of the whole.

#### HALTON MUNICIPAL HYDRO-ELECTRIC SERVICE ACT

Consideration of Bill 119, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Halton.

Sections 1 to 11, inclusive, agreed to.

On section 12:

**Mr. Chairman:** Mr. Ashe moves that the bill be amended (a) by adding the following section after section 11: "12. With respect to the town of Halton Hills and the Halton Hills Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 4, 6, 7, 10 and 11 shall be deemed to be a date three months after the mentioned date," (b) by renumbering the subsequent sections accordingly.

**Mr. J. Reed:** This amendment came about with respect to the fact that there are two commissions in the town of Halton Hills which need the time to properly reorganize their utility. I thank the parliamentary assistant for bringing this motion forward.

**Mr. Ashe:** May I just add one item for the record so there's no misunderstanding? This does extend the time by three months but, as in another part of the bill, it also leaves the option open that if the town of Halton Hills commission does overcome the



organizational difficulties that it foresees, it can still organize on January 1, or even sooner if it suits its purpose.

Mr. Swart: I too support this amendment. It's my understanding that they want it; there would be nothing to be gained by any of us opposing it.

Motion agreed to.

Section 12, as amended, agreed to.

Sections 13 and 14 agreed to.

Bill 119, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendments.

### THIRD READING

The following bill was given third reading on motion:

Bill 119, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Halton.

The House adjourned at 5:43 p.m.



## APPENDIX

(See page 3077)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## SPECIAL EDUCATION

**238. Mr. Bounsall:** Will the ministry attempt to provide more precise detail than in its answer to question 186? When the ministry announced its special education program on December 15, 1978, what, if any, estimates did it have of the number of new special education teachers that would be required for the program? What, if any efforts have subsequently been made to determine the need for additional special education teachers? In its answer, could the ministry indicate what preliminary action it has taken to create new teacher re-training programs to satisfy the anticipated needs created by this new policy direction? [Tabled June 5, 1979.]

**Hon. Miss Stephenson:** Recognizing that at this time we are looking at legislation which is only at a proposal stage, the estimate of additional special education teachers required to implement the resulting programs for exceptional students is approximately 3,000.

As of April 1977 there were 6,190 teachers active in special education holding special education qualifications. 7,533 teachers held special education qualifications and were active outside special education. An additional 4,125 teachers held special education qualifications but were not active in the profession. A further 6,122 candidates completed courses in special education in 1977 and 1978, and almost 5,000 more candidates will have completed courses in special education as a result of this year's winter and summer courses.

These statistics amply demonstrate that a pool of teachers trained for special education duty is available. Considering only those teachers holding special education qualifications but teaching outside special education it is evident we have a large number of trained people to draw upon.

Apart from this, it may be necessary however, to provide training of a specialized nature to a limited number of teachers who will be needed to work with small numbers of severely handicapped pupils. Such opportunities will in part, be provided at the Trillium School and its francophone counterpart in Ottawa commencing in the 1979-80 school year. Teachers will be able to avail themselves of an in-depth teacher education program at these schools. These programs have been well received as innovative and

needed developments in the field of teacher education.

In addition, the graduate programs in special education offered at OISE both at the masters and doctoral levels and individual courses in special education available at other universities across the province will help to meet this need. For teachers of pupils with learning disabilities who are seeking graduate training in the field of learning disabilities in particular, we have developed a proposal for a graduate degree. Several universities in the province have expressed interest in such a graduate program, some having already developed proposals of their own.

**239. Mr. Bounsall:** Will the ministry attempt to provide more precise detail in answer to question 186? When the minister announced its special education program on December 15, 1978, to what extent, if any, was it actually committing the province to the funding of the program? In the answer to the above-mentioned question, and in the general legislative grant announcement, the ministry omitted any direct reference to finance. Can the school boards of this province anticipate additional financial support from the province to help them meet the needs of children requiring special education? [Tabled June 5, 1979.]

**Hon. Miss Stephenson:** Ministry of Education officials are presently analysing the financial impact of the proposed special education initiatives. More precise detail with respect to the funding of these initiatives will be made available when the amendments to the Education Act, 1974, are introduced in the Legislature.

**240. Mr. Bounsall:** Will the ministry attempt to provide more precise detail in answer to question 186? When the ministry announced its special education program on December 15, 1978, what, if any, estimates did it have of the number of children requiring special education? What, if any, efforts have subsequently been made to determine more precisely the number of children likely to require special education? Will the ministry, if possible, break down its answer by area of exceptionality? [Tabled June 5, 1979.]

**Hon. Miss Stephenson:** Ministry of Education officials are compiling up-to-date statistics with respect to:

(i) waiting lists for special program placement by area of exceptionality and by school boards;



(ii) estimates of the additional number of children in schools who may require special programs; and

(iii) the number of severely handicapped children in government-approved residential facilities who are receiving little or no education at the present time.

This information is currently being analysed and will be made available to the members of the Legislature when the amendments to the Education Act, 1974, are introduced.

#### WEIGHTING FACTORS

**242. Mr. Bounsall:** Will the ministry provide the precise detail requested in question 190 and omitted in its reply tabled on May 31, 1979, as well as providing further information regarding staffing, not requested at that time? Will the ministry, for 1975, 1978 and 1979 estimated, provide the following table containing the following information on the special education weighting factor: Board name; number of full-time equivalent pupils; cash value of weighting factor; cash value for each full-time equivalent pupil enrolled in a special education class; number of full-time equivalent teachers; number of consultants or administrators directly involved in the program? [Tabled June 8, 1979.]

**243. Mr. Bounsall:** Will the ministry provide the precise detail requested in question 189 and omitted in its reply tabled on May 31, 1979, as well as providing further information regarding staffing not requested at that time? Will the ministry, for 1975, 1978 and 1979 estimated, provide the following table containing the following information on the occupations weighting factor: Board name; number of full-time equivalent pupils; cash value of weighting factor; cash value for each full-time equivalent pupil enrolled in an occupations class; number of full-time equivalent teachers; number of consultants or administrators directly involved in the program? [Tabled June 8, 1979.]

**244. Mr. Bounsall:** Will the ministry provide the precise detail requested in question 188 and omitted in its reply tabled on May 31, 1979, as well as providing further information regarding staffing, not requested at that time? Will the ministry, for 1975, 1978 and 1979 estimated, provide the following table containing the following information on the compensatory education weighting factor: Board name; number of full-time equivalent pupils; cash value of weighting factor; cash value for each full-time equivalent pupil enrolled in a compensatory education class; number of full-time equivalent

teachers; number of consultants or administrators directly involved in the program? [Tabled June 8, 1979.]

**Hon. Miss Stephenson:** We require additional time to prepare our response to questions 242, 243 and 244.

The answers will be ready for tabling on or about July 5, 1979.

#### SCHOOL BOARD FUNDING

**245. Mr. Grande:** Would the ministry please calculate for 1979 the estimated financial impact on the six area boards (on both general legislative grants and mill rates) of the elimination of the Metro Toronto School Board, and provide the information in a format similar to tables 17.1 and 17.2 of the Report of the Royal Commission on Metropolitan Toronto, volume 2, pages 326 and 327? [Tabled June 8, 1979.]

**Hon. Miss Stephenson:** We require additional time to prepare our response to the above question.

The answer will be ready for tabling on or about August 13, 1979.

#### GROUP HOMES

**248. Mr. Duksza:** Would the Ministry of Community and Social Services table in the House figures for each of the years 1975-1979 inclusive pertaining to the Homes for Retarded Persons Act, the Charitable Institutions Act, and the Homes for the Aged and Rest Homes Act, for each separate piece of legislation as to the group homes operated under those acts for adults as to: 1. the number and location of these homes; 2. the number of residents; 3. the number of available beds; 4. the length of any waiting list for those beds; 5. the mean, mode and median length of stay in such homes; 6. the discharge rate to, (i) chronic care facilities, and (ii) home; 7. the mean number of staff per home; 8. the total number of staff involved in the actual operation of the homes; 9. the standards or regulations concerning the operation of these homes; 10. the penalties involved for breaching such standards or regulations; 11. the number of persons assigned to supervise and inspect these homes; 12. the amount of monies paid to cover, (i) capital, and (ii) operating costs? [Tabled June 8, 1979.]

**Hon. Mr. Norton:** In response to the above question I would advise that under the Homes for the Aged and Rest Homes Act there are satellite homes which are defined as residences to accommodate one to 24 people. While the group home concept of three to



10 residents would include some of the satellite homes, the information requested is not available as persons residing in these satellite homes are considered to be residents of the larger home for the aged and are in-

cluded in the gross statistics of the home.

The information pertaining to the Homes for Retarded Persons Act and the Charitable Institutions Act are found in table I and table II respectively.



Table I

Homes for Retarded Persons Act	1975-76	1976-77	1977-78	1978-79	1979-80 Estimated
1. Number and location of homes: North .....				38	46
Central .....	66	98	152	47	52
West .....				96	105
East .....				37	46
2. Number of residents .....	1,043	1,461	1,884	2,395	2,645
3. Number of available beds (based on 95 per cent occupancy) ..	991	1,388	1,790	2,275	2,513
4. Length of any waiting list for those beds .....			*Not Available		
5. Mean, mode and median length of stay in such homes .....			*Not Available		
6. Discharge rate to:					
(i) Chronic care facilities .....			*Not Available		
(ii) Home .....					
7. Mean number of staff per home .....		*Not Available		5.5*	5.5*
8. Total number of staff involved in the actual operation of the homes .....		*Not Available		1,119	1,350
9. Standards or regulations concerning the operation of these homes .....					
10. Penalties involved for breaching such standards or regulations .....					
11. Number of persons assigned to supervise and inspect these homes .....	3	5	7	7	7
12. Amount of monies paid to cover					
(i) capital .....	935.7**	1,211.1	2,498.5	1,440.8	1,233.5
(ii) operating .....	4,383.1**	6,937.0**	9,361.4**	12,153.8	15,837.5

\*Statistics not requested.

\*\*Includes children.



Table II

Group Homes — Physically Handicapped Adults		1975-76	1976-77	1977-78	1978-79	1979-80 Estimated
1. Number and location of homes: North .....		—	—	—	—	—
Central .....		2	4	4	4	5
West .....		—	—	—	—	—
East .....		4	4	4	4	4
2. Number of residents .....		144	164	164	164	186
3. Number of available beds (based on 95 per cent occupancy) ..		114	132	132	132	149
4. Length of any waiting list for those beds .....						
5. Mean, mode and median length of stay in such homes .....						
6. Discharge rate to:						
(i) Chronic care facilities .....						
(ii) Home .....						
7. Mean number of staff per home .....						
8. Total number of staff involved in the actual operation of the homes .....						
9. Standards or regulations concerning the operation of these homes .....						
10. Penalties involved for breaching such standards or regulations ..						
11. Number of persons assigned to supervise and inspect these homes .....		1	1	1	1	5
12. Amount of monies paid to cover:						
(i) capital .....		—	—	—	—	—
(ii) operating .....		370.9	389.1	432.3	480.6	626.5

\*Statistics not requested.

\*Not Available

Estimated mean length of stay three years

\*Not available

Because of range of bed count a mean number will distort

\*Not  
Available

53½

58

Charitable Institutions Act and Regulations  
Suspension or revocation by the minister



### PHYSICIAN AVAILABILITY

**214. Mr. Breagh:** Would the Minister of Health inform the House of the number of "full-time practising physicians" there are in the province of Ontario as of March 31, 1979? Would the minister provide this data in terms of distribution by county and in total? Would the minister indicate what is the ministry's criterion for determining who is in full-time practice in terms of gross income received per year or in terms of volume of billings per year? [Tabled June 1, 1979.]

### PHYSICIANS OPTING OUT OF OHIP

**215. Mr. Breagh:** Would the Minister of Health undertake to inform the House on a monthly basis of the numbers of physicians who are no longer participating in the Ontario Health Insurance Program, and the number who have given three months' notice that they wish to bill their patients directly? [Tabled June 1, 1979.]

### NON-INSURED HEALTH CHARGES

**216. Mr. Breagh:** Would the Minister of Health table any studies which have been conducted by or for the Ministry of Health or the government of Ontario regarding the cost of including for OHIP coverage prosthetic devices, wheelchairs and any other non-insured services or equipment not presently covered by OHIP? [Tabled June 1, 1979.]

### PUBLIC HEALTH REVIEW

**217. Mr. Breagh:** Would the Minister of Health inform the House about who were the members of the Public Health Review Implementation Group, and how were they selected? How often did this group meet after its formation? What recommendations did this group make to the ministry, and would the minister table the full texts of any reports which were made by the group to him? What timetable has the minister adopted for the implementation of any recommendations with which he agrees? [Tabled June 1, 1979.]

### APPROVED HOMES

**250. Mr. Duksza:** Would the Ministry of Health table in the House figures, for each of the years 1975-1979 inclusive, pertaining to the approved homes administered by the psychiatric hospitals branch of the Ministry of Health, by each of the three classes of home size as to: 1. the number and location of these homes; 2. the number of residents; 3. the number of available beds; 4. the length of any waiting list for those beds; 5. the mean,

mode, and median length of resident stay in such homes; 6. the discharge rate to, (i) home, and (ii) chronic care facilities; 7. the mean number of staff per home; 8. the total number of staff involved in the actual operation of the homes; 9. the standards or regulations concerning the operation of these homes; 10. the penalties involved for breaching such standards or regulations; 11. the number of field workers inspecting for conformity to these regulations and/or standards; 12. the number of renewals; and 13. the amount of monies paid to approved home owners for, (i) capital, and (ii) operating costs? [Tabled June 8, 1979.]

### HOMES FOR SPECIAL CARE

**251. Mr. Duksza:** Would the Ministry of Health table in the House figures, for each of the years 1975-1979 inclusive, pertaining to the homes licensed under the Homes for Special Care Act for persons referred from psychiatric hospitals and mental retardation facilities as to: 1. the number and location of these homes; 2. the number of residents; 3. the number of available beds; 4. the length of any waiting list for those beds; 5. the mean, mode, and median length of resident stay in such homes; 6. the discharge rate to, (i) home, and (ii) chronic-care facilities; 7. the mean number of staff per home; 8. the total number of staff involved in the actual operation of the homes; 9. the standards or regulations concerning the operation of these homes; 10. the penalties involved for breaching such standards or regulations; 11. the number of field workers inspecting for conformity to these regulations and/or standards; and 12. the amount of monies paid out for the per diem rates to home owners? [Tabled June 8, 1979.]

### HEALTH CARE FOR THE AGED

**254. Mr. Breagh:** Would the Minister of Health indicate what recommendations he has accepted from the Ontario Health Council's report, Health Care of the Aged, presented to him on June 12, 1978? What schedule has the minister adopted for the implementation of those recommendations with which he agrees? Would the minister table any evaluations and studies further to this report which have been conducted by his ministry or for his ministry? Would the minister indicate what communications he has had with other ministries of the government of Ontario which were mentioned in the 46 recommendations? What action are these ministries prepared to take in light of the



conclusions of the health council's report? [Tabled June 8, 1979.]

**Hon. Mr. Timbrell:** Our response to Order Paper questions 214, 215, 216, 217, 250, 251, and 254 reads as follows: More time is required to provide this information and answers will be tabled on approximately July 31, 1979.

#### GOVERNMENT PURCHASING

**265. Mr. Cassidy:** Would the Minister of Industry and Tourism table by ministry the number and value of microfiche readers purchased by the government in the last fiscal year? Would the minister identify the firms to which contracts were awarded and would he give the Canadian content percentage of the products purchased on each case? [Tabled June 14, 1979.]

**266. Mr. Cassidy:** Would the Minister of Industry and Tourism table by ministry the specifications for each of the microfiche reader

contracts in the last fiscal year? [Tabled June 14, 1979.]

**267. Mr. Cassidy:** Would the Minister of Industry and Tourism table the "tenders' list" and "blanket order" list in each ministry for microfiche readers? [Tabled June 14, 1979.]

**269. Mr. Cassidy:** Would the Minister of Industry and Tourism table the number and percentage of Canadian-owned and/or multinational companies bidding on contracts for microfiche readers in the last fiscal year? Would the minister table these figures by ministry? [Tabled June 14, 1979.]

**Hon. Mr. Henderson:** The above noted questions asked of the Minister of Industry and Tourism have been referred to the Minister of Government Services as the appropriate minister to answer these questions.

The answers to these questions cannot be obtained within the 14 calendar day limit. This serves notice that the answers will be forthcoming as soon as the information has been obtained and compiled, which is expected to be approximately July 30, 1979.



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No. 77

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**  
Thursday, June 21, 1979  
Morning and Afternoon Sitting

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

THURSDAY, JUNE 21, 1979

The House met at 10 a.m.

Prayers.

## BUSINESS OF THE HOUSE

**Hon. Mr. Welch:** Mr. Speaker, before proceeding with business this morning, I wonder if I might indicate some sort of schedule for this morning, notwithstanding what may be on the sheet before us.

I thought perhaps it would be wise to proceed now to deal with government notice of motion 4 on the Order Paper, following which we would do the second readings which have to be attended to this morning; that is, Bills 135, 139, 140 and 133.

After the second readings have been completed we would then go into committee of the whole House to do what work we have to do in committee, ending up with Bills 96 and 163. We would then come out of committee just before the luncheon break.

## ORDERS OF THE DAY

### INTERIM SUPPLY

**Hon. F. S. Miller** moved that the authority of the Treasurer of Ontario granted on March 29, 1979, to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing April 1, 1979, be extended to October 31, 1979, such payments to be charged to the proper appropriation following the voting of supply.

**Mr. Nixon:** I doubt that the Treasurer will have any particular statement on this. I understand he had a busy evening last night consulting with the interns and that my colleague from Grey-Bruce (Mr. Sargent), who is not in just at the moment, made an equal impact on those fine and outstanding young people. I am delighted the Treasurer is here to defend the motion.

You may recall, Mr. Speaker, that this motion is now a standard procedure and one which is very acceptable. It is a vehicle for considerable debate if time permits and if the opposition parties want to make use of it for that purpose. I am delighted myself that it is now established as custom and requirement in this Legislature that a single motion

does not provide the funds to pay the day-to-day operating expenses through the whole year and that the Treasurer, on behalf of the administration, properly comes to the Legislature for interim supply of this type.

The only thing that I might say before I resume my seat is that our procedure for a careful scrutiny of the estimates of expenditure seems somehow to be degenerating. I think both sides take responsibility for this, since matters of public importance, perhaps more urgent than the immediate discussion of the estimates, seem to be coming forward and you, Mr. Speaker, and our colleagues in the Legislature know what a broad spectrum of matters this involves, employing the time and mental capacity of the committees and their membership.

I think perhaps this sort of motion may occupy more of our time in the future when we attempt to have a discussion of spending procedures and the efficacy of the policy behind them debated more in this chamber than in the individual committees, which in our evolving experience occupy more and more of their time on specific policy matters. We have no objection to the passing of the resolution at this time.

**Mr. Laughren:** In keeping with tradition, I understand that the government motion does provide for a fairly wide-ranging debate, if the members so desire. It is not my intention to do that this morning, but there is one thing that bothers me a great deal, and I think should be of concern to the Treasurer, and certainly the ability of this government to pay its bills is greatly affected by the issue which I want to speak about for a few moments. That is the impending increase in the price of oil by \$1 a barrel, which the federal government has just announced, which would take effect on July 1, with an interim period of 60 days, I believe, for the existing stocks to get down.

**Mr. Kerrio:** Got to do something about those feds.

**Mr. Laughren:** I think the Treasurer has an obligation to tell us what his position is on the announcement and to tell us what he thinks the impact of that increase is going to be on the Ontario economy. We know that every time the price of oil goes up \$1 a barrel



it roughly causes the rate of inflation to go up by approximately one per cent. Certainly the ability of this government to pay the bills, which is implicit in the government motion, the Treasurer should be very concerned about that.

The competitiveness of the Ontario economy and the industries within it are at stake here, and it is very strange that the Treasurer would be silent on the announced increase in the price of oil, because of the enormous impact it is certainly going to have on the Ontario economy.

The former Treasurer had worked out figures which indicated what a \$1 increase in the price of a barrel of oil costs Ontario in terms of jobs and I would assume that this Treasurer has done that computation as well. If he hasn't, he sure should have. We would like to know on this side of the House what studies the Treasurer has done to indicate what the effect of this \$1 price increase is going to be, both in terms of the rate of inflation and in terms of the rate of employment, and unemployment in the province of Ontario, and in general what it does to Ontario's competitive position.

We know, in looking at the figures, that unemployment is still at an unacceptable level. I come from a community where the unemployment rate is almost 16 per cent and the Treasurer gets up in this House and thumps his chest and says the rate of unemployment has dropped specifically because of the policies of the federal government, or of his government.

If he wants to take credit for a 16 per cent unemployment rate in the district of Sudbury let him stand up and say so. I would like to hear him take credit for a 16 per cent unemployment rate in parts of northeastern Ontario—or St. Catharines, down in the Niagara Peninsula, with one of the highest unemployment rates in all of Ontario and yet it's one of the industrial and farming heartlands in this province. The Treasurer stands up in his place just a week ago and thumps his chest and says he's proud of the unemployment rate in the province of Ontario.

That's without the \$1 increase in a barrel of oil which his federal counterparts have just announced. I'd be very interested in having a response from the Treasurer on what he sees is going to be the result. What's his position on this? Where are we heading in terms of the price and supply of oil and gas in the province of Ontario?

**Mr. Peterson:** I'd like to address a couple of remarks to this. Again, I don't want to prolong this debate, because I realize there are more pressing issues, but given the lati-

tude one has, I just want to take this opportunity to mention a couple of things.

The Treasurer last week, as I recall, with as much flair and flourish as he could summon up, and that isn't a lot at best of times, came into the House and made a statement about paying off the treasury bill offering of this province and, in fact, he was proud of the fact that he is not going to use the treasury bill float of \$325 million odd to finance the deficit in this province, at least in the short run.

You will recall the history of that, Mr. Speaker. That has been used at various times to finance deficits when the Treasurer has misforecast. He manipulates that amount of money, which is really a debt obligation of this province. In the original instance, they had \$10 million or so a week. Just after this Treasurer was appointed, they snuck in an extra \$15 million a week to increase the net amount of public debt by \$15 million a week, which translates into something like \$195 million a year. That was in the wake of some very strong commitments by the previous Treasurer that there would be no more public borrowing.

I want to make that very clear. This Treasurer snuck that extra treasury bill float in, that extra \$195 million, and changed the wording when he did so, saying there would be no more public debenture borrowing. It was a clear violation of the budgetary statements of the previous Treasurer. It was done casually, it was done with the manipulation of a word here and a word there, but in fact a principle that had been brought to this House and laid before this House was violated. This Treasurer has now found sufficient cash through an accelerated cash flow, through, presumably, better than expected revenues.

We all hope that, Mr. Speaker, because we had record growth in the first quarter of this year, something the economists are finding very difficult to understand. It may be just a cyclical aberration. It may be a quarterly aberration. I hope it's true. I hope the over six per cent real growth figure that came about is a real one and will be sustained for the rest of the year. Most people feel that won't be sustained.

I'm not sure why the cash flow for the province turned out better than the Treasurer previously anticipated, although I have my suspicions and I think they can be confirmed in this budget.

What happened was that the Treasurer, in his first budget of this year, borrowed far more from long-term requirements, from debenture borrowing from the pension funds



essentially, than his net cash requirements. As I recall the figures, even though his net cash requirements were forecast to be just over the billion dollar mark he borrowed from the internally generated pension funds, teachers' superannuation, Canada Pension Plan and various other funds, over \$1.5 billion.

I just want to make this very clear: while we have not altered the deficit position of this province we have just again played the old shell game, the old transfer game, transferring short-term obligations to the long-term obligations and back to short-term obligations and now back to long-term obligations. In fact, as best as I can determine it—we have not seen the first quarter statements—there is no real improvement in the cash flow. There has been no real improvement in the deficit position, the net cash requirement position or anything else one wants to call it. I think that should be brought to the attention of this House.

[10:15]

Unless the Treasurer has a more worthwhile explanation, I think his statement of last week didn't really shed a lot of light on that aspect of the budget that concerns many members of this House; that is, the very significant debt that has been accumulated by this government over a period of time. Mr. Speaker, I won't take any more time. I realize the time pressures this morning. Thank you for the opportunity to make that brief contribution.

**Hon. F. S. Miller:** Mr. Speaker, I thank the three speakers for being brief. I think they did touch on useful parts of the discussion. I feel no one was unnecessary.

**Mr. Renwick:** Thank you very much.

**Mr. Laughren:** We're so pleased that you are pleased.

**Mr. Peterson:** That's very condescending of you.

**Hon. F. S. Miller:** It is, absolutely. You say nice things about me most days too.

**Mr. Peterson:** Last night I did.

**Mr. Martel:** Do you want to make this wide open?

**Hon. F. S. Miller:** Let's go back to the question of oil pricing, brought up by the member for Nickel Belt. The arrangements for the \$1 a barrel price increase were made some while back. I believe it was February when they were confirmed. The arrangement, as the member knows, was between Alberta and the government of Canada. We are expecting that \$1 a barrel increase on July 1 and expecting a second one on January 1.

I would say my major concern is whether those will be all that are demanded by Alberta now that world prices of oil have started to escalate at rates that were not expected when these two increases were agreed to. Ontario, as a province that imports almost all of its oil, almost all of its natural gas and almost all of its fossil fuels in total, has to take the position of opposing a rapid change to world price.

**Mr. Makarchuk:** Why the increase in natural gas prices?

**Hon. F. S. Miller:** I'm going to explain. Ontario does not negotiate; Ontario offers its advice. This is the key issue.

**Mr. Mancini:** I thought Joe Clark was going to change all that?

**Hon. F. S. Miller:** Ontario's advice will continue to be that, in the interests of Canada's economy, not just Ontario's, there is a real need to keep a differential between the price of oil in Canada and in the United States and world markets. That differential, as of July 1, will be in the range of \$2.30 a barrel lower in Canada than it is in the States. That differential must be maintained if our industry is going to remain competitive in world markets and, therefore, if jobs are going to be protected in Ontario.

There are studies—the members asked about them—I recall seeing them. I'm afraid to regurgitate the cost of jobs per dollar-a-barrel increase, but I recall some figure in the range of 30,000 jobs every time the price goes up \$1 a barrel. That's a rough guess, because in this kind of estimate that is all one can do. I think perhaps what is more important is the relative price of oil rather than the absolute price, when it comes to industrial use.

Ontario does have the highest per capita oil consumption in the world and therefore we are probably more vulnerable than any part of the world to outside pricing. We have to continue to stress to the federal government that the interests of the Canadian economy, not just the Ontario economy, are best served by such a differential.

Canada has to recognize that for many years when the shoe was on the other foot Ontario did worry about the other provinces and did involve itself in the arrangements for redistribution of wealth with the federal government, always on the principle that the wealth of this country needs to be shared among the have and the have-not provinces.

The member touched briefly on unemployment. I would think exceptional circumstances applied in the city of Sudbury in the last while. I hope those circumstances have



passed. I hope we will see something closer to a normal rate.

**Mr. Martel:** Maybe you'll get some policy.

**Hon. F. S. Miller:** Any unemployment is excessive. I can only say our trends for the next year are encouraging and would indicate there will be a downward movement.

**Mr. Laughren:** What are you going to do about it?

**Mr. Martel:** How about some policy?

**Hon. F. S. Miller:** When I get to the other member's comments on treasury bills, I would say that the member for London Centre, who is not listening to me, should recognize that the increase in treasury bills, because he was talking to his neighbour from Brant-Oxford-Norfolk (Mr. Nixon)—

**Hon. Mr. Bennett:** And probably misunderstanding that as well.

**Hon. F. S. Miller:** If you can teach the member for Brant-Oxford-Norfolk anything about this House, I will take my hat off because I consider him one of the experts in this House, and I might say, one of those who respects this House.

**Mr. J. Reed:** If you had listened to him years ago this House would be a lot better.

**Hon. F. S. Miller:** See, I told you, Bob, if you were brief I would be nice.

**An hon. member:** Stand up and take a bow, Bob.

**Mr. Nixon:** It wasn't what we agreed on.

**Hon. F. S. Miller:** I would say that last year's temporary reduction in the Ontario retail sales tax caused a drop in the originally budgeted revenues of the province and required us to have more cash and therefore we used the treasury bills for interim cash requirements. In the meantime, short-term rates on treasury bills, which historically had been a bit lower, tended to move above the long-term rates of interest available, so therefore there was no real saving to the province to be in the short-term market and our cash position improved. Therefore we used them as a balancing act.

One must remember that we have managed to increase our spending levels over many years to much higher levels than they used to be, through inflation, through new programs, while at the same time reducing the percentage of cash required to manage those by very carefully projecting cash requirements and investing in securities to counter-balance short-term surpluses. Almost always, if we had the money invested, we were earning more than we were paying on the treasury bills on a given day. However, that

vehicle was no longer needed and we happily vacated it, knowing there always could be a future need to return to that kind of cash market and believing that it is available when needed.

**Mr. Speaker:** The motion is for the resolution standing in the name of the provincial Treasurer, government notice of motion number 4. Shall the motion carry?

Motion agreed to.

#### INCOME TAX DISCOUNTERS ACT

**Hon. Mr. Drea** moved second reading of Bill 133, An Act to repeal the Income Tax Discounters Act.

**Mr. Martel:** On a point of order, the order has now been switched once more. I am having difficulty keeping up with the order. I just have a list that was sent in to me and that one's down. It certainly is not the next one. I thought the police bill was next. I will try to arrange to get my critic.

**Hon. Mr. Welch:** That's why I called it. I saw the member for Hamilton Centre (Mr. M. N. Davison) just a few minutes ago.

**Mr. Martel:** I am without him, Mr. Speaker.

**Mr. Nixon:** We might be able to speak for a time without that member. In order to assist us in that, I just want to say that as far as our party is concerned we really have no choice but to support the bill and mostly because of the legal situation. I understand that the government of Canada has very properly moved into this area of regulation and under our constitution, when the area is occupied by the federal government, it simply means that we are dispossessed and we have no alternative but to withdraw our legislation.

I think that it's a good idea that only one jurisdiction has the legislation and an argument may be made—and I am sure the minister would be delighted to make it—that our legislation is better than theirs, but in this instance it doesn't make any difference, so we certainly support the bill in principle and in particular.

**Mr. M. N. Davison:** Mr. Speaker, I am sorry. The order of legislation seems to be different from the sheet I was handed just moments earlier. Excuse me if I appear a bit disjointed. The New Democratic Party was responsible for this legislation coming into place in the days before the federal government moved to protect consumers in this area and we think it is still a good piece of legislation. It is much superior to the legislation that is currently in place at the federal level.



The biggest difference is the amount of money these loan sharks in disguise can charge to the consumer when they are performing this service. In the days before the bill came into being they were charging 50 per cent and more of the income tax return to the consumer. Under this new bill we followed the lead of a number of other provinces and said it would be wrong by law for these income tax discounters to charge more than five per cent of the return, which works out to something like an annual interest rate in these cases of 20 per cent, which is about in line.

Under the federal legislation, unfortunately, the federal government not being pressured by as large a number of New Democrats I suppose, the legislation permits the loan sharks in disguise to charge up to 15 per cent of the tax return. That can well equal an annual interest rate of 60 per cent, and by anybody's standards that has to be gouging.

The minister, in the compendium he so thoughtfully supplied when the legislation was introduced, commented on the fact that the Ontario legislation was no longer needed because the federal government had moved in with legislation which was working. While I can't find the compendium to quote directly from it, there was an interesting sentence that said in this last income tax year the income tax discounters had not reappeared in the province of Ontario.

That is totally wrong. That was not read into the record of the House, as I recall, or I would certainly have challenged it. At any rate, it wasn't read in when I was around. I haven't had a chance to look over Hansard for the day the bill was introduced. I brought to this minister's attention two cases in the city of Toronto that came to my knowledge from the Canadian Broadcasting Corporation reporter Nancy Durham.

**Hon. Mr. Drea:** It came to me first, the two in Toronto, so keep the record straight.

**An hon. member:** The point is, they haven't disappeared.

**Mr. M. N. Davison:** If they came to the minister first and the minister didn't even move against them, that certainly gives room for censure. I don't think the minister should be proud of the fact that they came to him 24 hours before they came to me.

**Hon. Mr. Drea:** Mr. Speaker, on a point of privilege: Since the word "censure" has been used—

**Mr. Speaker:** There is no point of privilege here. It doesn't constitute a point of privilege. It is a difference of opinion. We are getting

too many erroneous points of privilege. The member for Hamilton Centre will continue.

**Mr. M. N. Davison:** I agree with you completely, Mr. Speaker. No matter how provocative the minister is when he stands up to speak, I promise not to rise on a point of privilege.

**Mr. Kerrio:** What are you going to rise on, a stepladder?

**Mr. M. N. Davison:** The fact is that the government, through the minister, has said that in the 1978-79 tax year these discounters had folded up their tents and disappeared from the Ontario scene. That is wrong. It is just not factually true. The CBC found those two cases right here in Toronto. There have even been cases in other parts of the province.

One of the problems is that I don't believe the federal government is acting with utmost speed on these cases. It is certainly not acting with the kind of speed we have come to expect from this Minister of Consumer and Commercial Relations. I would say to him, one, he has a better bill than the federal government has; he has a good bill. Two, this ministry has shown, at least in this particular area of consumer protection, and in some others, that it is more prepared to act with speed to defend consumers when they are being ripped off.

[10:30]

I would think, therefore, that we would be very wrong today in this House to repeal this act in the dying hours of our time here this spring. I know the government's position, as the minister will probably indicate, is that there is a constitutional problem involved, that because there is a provincial statute and a federal statute supposedly dealing or allegedly dealing with the same problem in the same sort of way, the provincial government feels unable to move against these income tax discounters, and indeed hasn't over the past little while.

That is unfortunate, because in a case like this it would seem to me it would be up to the courts to make the final decision as to the question of jurisdiction. If somebody doesn't like being forced to live up to the obligations and responsibilities of the Discounting of Income Tax Refunds Act, then let them take the ministry to court. Let's not make that decision here. We have a better piece of legislation and I would hope the minister is more prepared to move on it than the federal government is. Don't just throw it out the window because someone may take offence at the minister prosecuting under it. I think he should go ahead and do his job with it.



I will tell you, Mr. Speaker, I can recall that two former ministers ago, the Honourable Sidney Handleman—and the name of his riding slips me at the moment—said when we first urged him to bring in such consumer protection legislation that no, he wasn't going to do it because there was a constitutional problem, with the greatest of respect to the former minister. The problem was there was a lack of will to move to protect consumers, and if we hear again this phoney argument, this phoney constitutional jurisdictional argument, all it hides behind it is a lack of will to protect consumers.

I would say to the minister and his party, and I would say to the Liberals, let's look at this again. It is not the time to remove this consumer protection legislation. It is much better than any other protection the consumer has in this area, and I don't think we should sell them short by taking away this good piece of consumer protection legislation. Mr. Speaker, I and my party will oppose this move. Thank you.

**Hon. Mr. Drea:** There is no question that the Income Tax Discounters Act 1977 could continue, in theory at least, to co-exist with the federal legislation. There is no argument about that whatsoever, in theory. I hope that the member votes against this today, I hope he votes not to support this, because when he does he is opening the door wide open to total return of the tax discounters across Ontario, and I would have thought that some of his legal advisers might have cautioned him.

Since he has challenged the constitutional matter, I have several citations here from various definitions of inconsistency. I want to go in at some length on the doctrine of paramountcy. In practice, what would happen is, these two things living in theory so beautifully, the moment that we laid a charge the person who was charged would immediately go into the courts to challenge our ability to charge, and we don't have much doubt that at that moment the courts would be left with no decision other than, in terms of the charge and the prosecution, that the federal government has very clearly occupied the field and that, therefore, the province of Ontario, with the Income Tax Discounters Act, 1977, was unable to proceed.

In practice that would mean, because there is a difference between the two pieces of legislation, that the tax discounter who wanted to operate would immediately violate our act so that he could be charged under our act but still be legal under the federal act and have the prosecution removed from the courts. I tell you, Mr. Speaker, the first time that

happened you'd have a tax discounter on every street corner from December through to March, which is the time period they operate in, and I'd be perfectly prepared to call that the Davison doctrine.

**Mr. M. N. Davison:** It's taken the province a year and a half. If it's such a big problem why did it take so long?

**Hon. Mr. Drea:** Let's go through the history of these two acts. There is no question that my predecessor—and I was his parliamentary assistant at the time—the member for Carleton, did prod the federal government to introduce the very legislation it eventually did. In fairness to the federal government and the federal minister of the time, the sanctions that the federal government intended to take against loan sharking or this type of operation, were contained in draft legislation called the BDPA, the Borrowers and Depositors Protection Act.

That was draft legislation. It was intended to operate on a national level, taking into account the differences between provinces in the way that loan sharks and other people offering funds at either extremely exorbitant or, indeed, usurious rates, function within the economic milieu of not only the 10 provinces but indeed bearing in mind the regional differences within those 10 provinces.

It would take too long to mention all the adventures of the BDPA, but it did not have any consensus in any of the provinces and eventually it died. Following that, the federal government did introduce the very legislation that the province of Ontario and other provinces wanted. At that point—and let's make this very clear—we have not commenced a prosecution or a charge under the Income Tax Discounters Act 1977, because we know what will happen. We have become a referral service. If we hear of these cases, or find them out through our own investigations, we go to the federal government and ask that the federal police, the Royal Canadian Mounted Police, be brought in to investigate to see if charges will be laid.

This act is not only redundant and cannot be used by the province but is indeed very dangerous. If this House today does not support the efforts to remove this statute from the books, I caution that come this fall or the early winter, when income tax discounting as usual pops up its ugly head, it will be open season right across not only Metropolitan Toronto and southern Ontario but very much indeed in northern Ontario.

**Mr. M. N. Davison:** Why didn't the minister do it a year ago?



**Hon. Mr. Drea:** Mr. Speaker, I draw your attention to the fact there was no uproar here some months ago when the Minister of Correctional Services (Mr. Walker), who was then a private member, tabled a resolution in the House to get rid of this bill.

**An hon. member:** We're tired of roaring up the gangplank.

**Hon. Mr. Drea:** It never came because of the ballot procedure for private members' bills or resolutions. As long ago as that, thinking people in this Legislature were concerned about this strange co-existence between two acts, perfectly allowable, constitutionally magnificent, until you laid a charge and opened up in the court and then you were in a position where, in effect, there was no law.

I would urge the members of the House to consider the doctrine of paramountcy, to consider, secondly, the fact that the legislation was introduced in this Legislature with the express admonition that we wished we would not have had to introduce it, that the federal government would have. The federal government did, subsequently. We have to recognize the fact that they have occupied the field.

If there is a quarrel with the federal legislation, then I humbly suggest that it's not to keep a dual entity on the law books of Canada, one for a province and one for the federal government. The place to handle it is in the House of Commons. I don't think there is a single valid reason to oppose what is the purport of this bill. It is not only to remove a redundant piece of legislation. It is not only to show that there is provincial and federal co-operation in this country. When the federal government occupies a field, we willingly leave, as we should, not waiting to tie up the courts and so forth.

Finally, and I emphasize this, there's a very significant and potential danger of these two laws, when one charge is laid by us, just opening up the whole field. I certainly hope that no one in this House would say to me as minister, "Mr. Minister, keep the law on your books but don't charge anybody, because if you do you open up everything." That is repugnant to me, it is repugnant to this government and I am sure it is repugnant to the entire House. Thank you, Mr. Speaker.

Motion agreed to.

Third reading also agreed to on motion.

#### POLICE AMENDMENT ACT

**Hon. Mr. McMurtry** moved second reading of Bill 135, An Act to amend the Police Act.

**Mr. Kerrio:** Mr. Speaker, we are going to support this amendment to the Police Act. It

has been our policy of long standing that such an amendment should have been put forth, simply because the mandatory requirement of a county or district court judge to sit on such commissions has, in many jurisdictions, caused problems of finding such a person and making it convenient for the commission to do its job.

There's very little to say about it. It's a pretty straightforward amendment. It removes the requirement that one of the members of the board shall be a county or district court judge, and removing that particular requirement now leaves it open that the head of council and the other two people will formulate the commission, having been chosen by the Lieutenant Governor in Council. That is acceptable to our party.

**Mr. Lupusella:** Mr. Speaker, I am glad to rise in support of Bill 135. The content of this bill incorporates an item which was requested by my party a long time ago. I look back to June 9, 1976, Hansard, page S-1659, where my colleague at that time, the member for Lakeshore (Mr. Lawlor), raised this concern about removing the judges from the Ontario Police Commission.

[10:45]

Bill 135 is going to comply with this particular request by us in the past. I think it is an important appointment. Now that judges are not allowed to sit on the Ontario Police Commission, I am particularly concerned about new appointments which are going to be made by the Solicitor General when a vacancy takes place.

From Hansard, I note the former Solicitor General, the member for Humber (Mr. MacBeth), raised a particular concern about appointments of judges to the Ontario Police Commission. It was stated that representatives of ethnic communities, representative of community interests, various segments of the community, particularly in the lower income strata, are not represented on those commissions. I think that it is an important principle which should be taken into consideration when appointments are going to be made, if they would like to see commissions working and really representing the needs and the interests of various communities.

In the past, and recently, we had the opportunity to hear complaints made before the Ontario Police Commission, particularly in relation to problems affecting the minority groups in our society. If the Solicitor General is going to take into consideration that the kind of people who are supposed to sit on this commission are supposed to represent these various strata of lower incomes or dif-



ferent ethnic communities, then in my opinion when a complaint is going to be discussed before the Ontario Police Commission their concern is going to be very well taken into consideration.

Therefore, I welcome such a move coming from the government in relation to Bill 135. It is a positive move which has been expressed by the government, even though the New Democratic Party has expressed its concern in the past. Even though such change is going to be made in relation to the composition of the Ontario Police Commission and the people who are supposed to sit on this commission, I would urge that a civilian review board is necessary and should be established in Ontario.

I raised this particular issue during question period a few weeks ago, that the establishment of a civilian review board is necessary. It has been recommended by different reports which were pursued in the past, the Morand report and the Maloney report. The Solicitor General (Mr. McMurtry) has stated in the Legislature that the establishment of a civilian review board to hear complaints from citizens is not necessary at this point in time. I completely disagree.

While he might have good reasons to have faith in the police, this move in Bill 135 to replace judges sitting on the commission is as I stated before, a positive move, but I think that to make sure that justice is going to be done in relation to complaints from citizens in Ontario the Solicitor General has to move very quickly in the direction of establishing this citizens' complaint bureau.

If I may conclude my remarks about Bill 135, I would like to receive from the Solicitor General some explanation about section 1(4) of the bill in relation to a reasonable remuneration. Even though it is spelled out that remuneration shouldn't be less than the minimum prescribed by the regulations, I have some problems understanding what "reasonable remuneration" means when we have clear regulations drafted to deal with this particular item. I look forward to hearing the comments of the Solicitor General and his explanation of such wording as "reasonable remuneration."

**Mr. Blundy:** Mr. Speaker, I rise to support Bill 135. In doing so, I would like to make one or two comments and suggestions in this regard. I speak as a person who was a member of the police commission for eight years as the head of my municipality. I have found in the past that there are some judges who make very valuable members of the police commission and there are some who don't. The current judge of the county court is one

of those who is a valuable member of the police commission. I would like to point out to the Solicitor General that with the very busy courts we have now, and the pressures under which the judges are working, I think it is right to relieve them of this added responsibility.

In supporting that principle of the bill, I would like to also put in a few remarks in regard to the appointment of not just another resident of the community but another member of the council when that opportunity arrives. The work of the police commissions now, as opposed to what it was some years ago, puts a great deal of stress and time on financial management. That is one of the greatest parts of the work of a member of the police commission. With the increased costs represented in policing, it is imperative that someone who has been elected by the people, in addition to the mayor, can put forth the views of the people.

Most of the things with which the police commission deals, manpower matters, equipment matters, staffing and so forth, have a very important monetary bearing and of course this is what is important to the people of the municipality as well as good policing. Good policing we will have, because all councils want it. We have the police chief present to advise. But I just want to point out it is important, when the time comes for making alternative appointments to the police commission, that we should bear in mind it is the local taxpayer who has to pay for policing in the community and it would be quite worthwhile to have an additional member of council in that place.

**Mr. Roy:** I have just a brief comment on this legislation. Having had discussions over the last seven or eight years about the role of judges on police commissions, I think, as my colleagues have said previously, this bill is worthy of support.

I would just like to say, Mr. Speaker, as you no doubt are aware, at various times over the last 10 or 15 years certain of our colleagues in the Legislature have taken a pretty strong position pertaining to the role of judges on police commissions.

**An hon. member:** The former member for Armourdale comes to mind.

**Mr. Roy:** I suppose a number of commissions as well have commented on judges on police commissions. If one were to look at the question of possible conflict one could say technically that any time we have a judge on the police commission there is that possibility of conflict. As members can understand, if there is a judge—and in this case



we are talking about a county court judge who sits on a police commission—who sits in judgement of an accused charged by the police force of whose commission the judge is a member, technically one could say that in such a situation there is a conflict of interest.

The problem is that we cannot work in a vacuum. If one were to look at ulterior motives, or conflict of interest, in a variety of situations one could not operate. My colleague the Solicitor General has two hats on; that could be considered a conflict of interest in some circumstances.

**Mr. Conway:** Two hats on one head is not an inconsiderable accomplishment.

**Mr. Roy:** There are circumstances, obviously, where one has to weigh the pros and cons and say, is the contribution made by these judges on police commissions of such a nature as to far outweigh any possibility of conflict? I think that is a decision most of us have arrived at, having thought this matter through over a number of years and discussed with various police commissions across the province the useful service contributed by a county court judge on a police commission.

The judges themselves have been a much-maligned group on this. I can recall there was some talk that judges were serving on police commissions because of the extra remuneration involved. That was taken away a number of years ago, and judges over recent years have served without additional remuneration on these police commissions.

One of my colleagues expressed interest earlier as to whether subsection 4 is a message sent to council that there be some remuneration over and above what a county court judge gets from the federal government. I would like the Attorney General to comment on whether this possibility is open under subsection 4.

I would like to say that the amendment is important in the sense that it takes away the obligation of having a county court judge on a police commission. That is important. In various areas there must be the flexibility to have that choice. My experience in the Ottawa area has been that we are dealing with three or four police commissions. From my discussions with them, people who sit on these commissions feel that it is a necessity to have someone with the kind of training, background and judgement that a county court judge has, but it may very well be that in another area they feel it is not necessary, that sort of expertise may come from somebody else—my colleague from Brant-

Oxford-Norfolk would say from one of the legal profession; that may be, I know he is always supportive of that group. That may be an alternative.

**Mr. Nixon:** I don't mind lawyers, I just don't like the profession.

**Mr. Conway:** We need a few more optometrists.

**Mr. Roy:** Or a few more chiropractors.

**Mr. Nixon:** Talk about going into the lion's den.

**Mr. Roy:** I support the amendment as proposed by the Attorney General and I would like briefly to take this opportunity to commend the useful service that has been given over the years by county court judges to police commissions. I think it has been a worthwhile service, an important community service, and their contribution should be recognized after so many years of being maligned by reference to conflict of interest.

Some of these people, and some are in the Ottawa-Carleton area, have continued to serve without remuneration, putting in long hours of useful service on these police commissions. Their contribution, from my discussions with various chiefs of police, mayors and so on, has been very worthwhile.

On balance, I think I am supportive of the amendment and I trust we will give individuals who have made such an important contribution an opportunity to continue to serve, but that we take away the obligation. I think it's a worthwhile compromise and deserving of support.

[11:00]

**Mr. Deputy Speaker:** Does any other member wish to participate in the debate? If not, the honourable minister.

**Mr. Conway:** Never has this Attorney General enjoyed such unanimity.

**Hon. Mr. McMurtry:** Briefly in response to questions in relation to remuneration, the members for Dovercourt asked what "reasonable remuneration" means. It is up to the local council. We provide for a minimum of \$1,000 a year for communities over 500,000 people and a minimum of \$500 if it's less than that, which I think is a reasonably modest minimum. It's really up to the local council, depending on the workload. We think this is a decision that should be made by the local council, in relation to the workload of the police commission. As far as the judge's remuneration is concerned, there is no change in that.

Motion agreed to.

**Hon. Mr. McMurtry:** I wonder if I might be permitted to add one further remark in



response to something that was asked of me a few moments ago?

**Mr. Deputy Speaker:** All right.

**Hon. Mr. McMurtry:** The member for Wellington South asked me a question and I forgot to answer him. I apologize.

My colleague, the member for Middlesex (Mr. Eaton), expressed concern to me in relation to the size of police commissions. The member for London South (Mr. Walker) expressed some concern as well, in relation to the size of police commissions. Some of the larger communities would like to see them expanded from three to five. We are reviewing this. We regret that we were unable to come to a decision in relation to it this spring, but we will seriously entertain that suggestion to extend some of these police commissions to five members. We hope to be able to have a resolution of that matter in the fall.

Third reading also agreed to on motion.

#### LEGISLATIVE ASSEMBLY AMENDMENT ACT

**Hon. Mr. Welch** moved second reading of Bill 139, An Act to amend the Legislative Assembly Act.

**Mr. Nixon:** I want to say, sir, that this is the first occasion we have had before the House a bill of this type, based on a recommendation of an external board—in this instance, the election expenses commission. I know when it was first discussed, as to changing the terms of reference and thereby changing the statute establishing the election expenses commission, there was a feeling that not only this House but also, I believe, the citizens of the province have a great deal of confidence in the way that commission has carried out its responsibilities. The fact that this report has come at this time is certainly gratifying as far as we're concerned. I am very glad that the government has seen fit simply to accept the recommendations of the commission, rather than fiddle around with them. I think this is an appropriate approach by this House. We on this side are supporting the bill.

**Mr. Martel:** Mr. Speaker, I want to make only a few comments with respect to the bill. As my friend from Brant-Oxford-Norfolk has said, this is the first opportunity we've had to dispose of this sort of problem.

I think it's going to serve the Legislature well. I think it's going to serve the province well, because one thing that's going to occur is that we will not see those gigantic raises in pay which have caused so much irritation and which were distorted to some degree because they came possibly only every three

to five years. When we play the game of catchup, the amounts are so great that the public resents it, and we cannot blame them.

The thing I like about what is being done is that the increase has been in that portion which is taxable. I think the public is prepared to accept more readily that members in this Legislature are treated in the same fashion as they are. The commission, in its wisdom, this time increased one section very little, but the large portion of the section that was increased is taxable; I think that will be accepted in a good manner by the public. I only hope that some of the other things that are wrong, in terms of how they are paid out and so on, will be straightened out. I am looking forward to the next report of the commission.

**Mr. Makarchuk:** Mr. Speaker, I would like to comment briefly on the remuneration paid to the whips. This is a matter I have discussed with House leaders and other people in the past, and I am speaking from some degree of activity or knowledge in that field. The remuneration, the way it has been provided in this bill or the way it stood in the previous legislation, I still consider as grossly unfair. It's unfair on the basis that in this minority government the whips and the House leaders by and large carry out equal duties. They meet regularly together; their responsibilities, I think, are almost identical or are very similar to a great extent.

Perhaps some larger increase can be granted to the government whip or House leader in comparison to the other whips or House leaders but—

**Mr. Kerrio:** It has to be worth something to win the race.

**Mr. Makarchuk:** All right. We will give him \$500 to win. But the amounts that are being granted in this bill are as follows: the government whip gets \$6,500, the opposition whip gets \$4,000 and the third-party whip gets \$3,250. In my opinion, the remuneration is grossly unfair in relation to the responsibilities these people have and to the time and effort they spend in the whole government process. This is particularly true in the minority situation—and I don't foresee any great change in the next five to 10 years; whatever the government may think, conditions are not going to change.

I hope the commission will look at these figures in the future and bring the remuneration of the opposition whips and House leaders in line with what the government whips and House leaders get. They share the work and responsibility, as all members of



the House do, and they should get paid in a fair and equivalent manner.

**Mr. Laughren:** Mr. Speaker, very briefly, there is a part of the bill that bothers me when we are talking about the compensation of members. The leader of the third party does not know I am going to say this, but the differential between his remuneration and that of the leader of the official opposition is outrageous. For the leader of the official opposition, the extra remuneration is \$19,500, and for the leader of the third party it is \$5,450.

**Mr. Kerrio:** Worth every penny.

**Mr. Laughren:** I am not questioning that; the responsibilities are enormous for the leader of the official opposition. I would suggest to my friend that in a situation as we have today, where there is a one-seat differential, to suggest that there is that kind of differential in the workload or the responsibilities of the leader of the third party and the Leader of the Opposition simply makes no sense at all. I suspect the leader of the official opposition would agree, if he were here, that there should not be that kind of differential. I don't know how one justifies it. Does one say that the leader of the third party does not travel the province as much? Does he not have as onerous a workload?

**Mr. Nixon:** I remember how concerned the New Democrats were about this when they were the official opposition.

**Mr. Laughren:** The former leader of the official opposition knows what it is like to be leader of the third party, and I suspect he worked as hard when he was leader of the third party as he did when he was leader of the official opposition.

**Mr. Roy:** He didn't cry about it, though.

**Mr. Laughren:** My leader is not crying about it either. I am saying that I think it is fundamentally wrong to have that kind of differential in remuneration between the leader of the official opposition and the leader of the third party in this House.

**Hon. Mr. Welch:** Mr. Speaker, perhaps it would be fair comment at this stage to indicate that a copy of the Hansard dealing with this debate will be sent to the members of the Commission on Election Contributions and Expenses so that they will have the benefit of these views as they continue their review.

Motion agreed to.

Ordered for committee of the whole House.

## EXECUTIVE COUNCIL AMENDMENT ACT

Hon. Mr. Welch moved second reading of Bill 140, An Act to amend the Executive Council Act.

Motion agreed to.

Ordered for committee of the whole House.

House in committee of the whole.

## LEGISLATIVE ASSEMBLY AMENDMENT ACT

Consideration of Bill 139, An Act to amend the Legislative Assembly Act.

Sections 1 to 6, inclusive, agreed to.

On section 7:

**Mr. Deputy Chairman:** Hon. Mr. Welch moves that section 7 of the bill be amended by adding thereto the following subsection:

"(2) Clause (a) of subsection 7 of the said section 65, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, be amended by striking out 'with portfolio'."

Motion agreed to.

Section 7, as amended, agreed to.

Sections 8 to 10, inclusive, agreed to.

Bill 139, as amended, reported.

## EXECUTIVE COUNCIL AMENDMENT ACT

Consideration of Bill 140, An Act to amend the Executive Council Act.

Section 1 agreed to.

On section 2:

**Mr. Deputy Chairman:** Hon. Mr. Welch moves that subsection 1 of section 3(a) of the Act, as set out in section 2 of the bill, be amended by deleting "with portfolio" in the first line.

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 and 4 agreed to.

Bill 140, as amended, reported.

## PLANNING AMENDMENT ACT

Consideration of Bill 96, An Act to amend the Planning Act.

[11:15]

On section 1:

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that section 35(a)(4), as set out in section 1 of the bill, be struck out and the following substituted therefor:

"(4) No person shall undertake any development in an area designated under sub-



section 2 unless the council of the municipality or, where a referral has been made under subsection 10, the municipal board has approved one or both, as the council may determine, of the following:

"(1) a plan showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (a) of subsection 7;

"(2) drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing 25 or more dwelling units to be erected which are sufficient to display:

"(a) the massing and conceptual design of the proposed building;

"(b) the relationship of the proposed buildings to adjacent buildings, streets and exterior areas to which the members of the public have access; and

"(c) the provision of interior walkways stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, but which exclude the layout of interior areas other than the interior walkways, stairways and escalators referred to in clause (c), the colour, texture and type of materials, window details, construction details, architectural details and interior design."

**Mrs. Campbell:** Mr. Chairman, I regret that I have not had the opportunity to see the amendment. I tried to follow along with our own proposed amendment to the same clause. I wonder if the minister could deal with subsection 4(1) in his amendment, since the wording seems to be quite different and I would like to understand the implications of it. I regret I am not the critic. He is here now and he can speak to it. Sorry.

**Mr. Deputy Chairman:** Does the member for Waterloo North wish to speak to this amendment proposed by the minister? In the meantime, we will hear from the member for Riverdale and then we will come back to you.

**Mr. Epp:** I will let Mr. Renwick speak to it, and then I will. Thank you, Mr. Chairman.

**Mr. Renwick:** Mr. Chairman, I think we welcome the proposed amendment put forward by the minister. Since the bill was introduced and the implications of the omission have been understood by the members of this House and all of the interested parties concerned with it, there have been significant and substantial negotiations going on, both openly and behind the scenes. I understand

this amendment is now entirely acceptable to the city of Toronto, which is my major concern. I know there are many other municipalities throughout Ontario very much interested in it.

It is my understanding this particular amendment now meets the very serious deficiencies which were inherent in the original bill, and I am glad that after such hemming and hawing on the part of the ministry it has finally seen the light and is prepared to introduce this kind of an amendment.

I would suggest that when the time comes to make any other amendments to the Planning Act, the government, if not the minister, take seriously into consideration the proposition that a little discussion beforehand, with the members of the parties in this House and with the municipalities across Ontario, might save the government and that particular minister a lot of headaches.

**Mr. Epp:** Mr. Chairman, we were most disturbed last week when the government decided to delete subsection 12 of section 35a of the Planning Act. As you know, this was a very important section and one that required a lot of effort in the first place to have it included.

Second, without sufficient notice the government decided to delete and without, I thought, sufficient clarification in the bill. It took some time before municipalities and the opposition were aware that it was being deleted and it was done without any real discussion as far as the various municipalities were concerned.

We know the Minister of Intergovernmental Affairs on numerous occasions has set a very good example for his cabinet colleagues in trying to consult with municipalities. He hasn't always been consistent with that promise, but that has generally been the case. We only hope the Minister of Housing will take this to heart in the future before he brings in an important amendment of this nature and that he will go the consultative route, as is the case in many other areas.

As a result of this particular procedure we have had to do a lot of work, and the civil service has had to do a lot of work in the last days rushing about trying to get clarification on exactly what these various words mean, so municipalities would be protected by any changes that might ensue.

Mr. Chairman, we will support this amendment. We think it has the concurrence of the municipalities and of people who are developing, the architects and so forth who play a major role in drawing plans, present the drawings, et cetera. We think the government was originally in error in trying to



omit the word "plan." It is now included in the amendment. This is obviously an important improvement and we will support the amendment.

**Hon. Mr. Bennett:** I just want to make a couple of observations in relation to the comments of the member for Riverdale and of the member for Waterloo North. In our discussions on second reading I indicated very clearly that we had taken the time to consult with the solicitors representing the city of Toronto. We had consulted with the Municipal Liaison Committee, which is the organization which is supposed to have some say in matters relating to municipal problems in their relationship with the province. It wasn't a matter of having cast aside all considerations for those people.

I also indicated to the member for Riverdale that at the time I had a letter from the mayor of Ottawa which drew my attention to only one section of the bill which was giving their council some concern. To put to rest any fears about consultation with communities, municipalities, regional governments, county governments, I trust members are aware of the fact that in the presentation of the white paper on the Planning Act we have been going on through rather extensive meetings with municipal heads of council and with chairmen of planning boards and others who are directly related to those problems.

We have indicated clearly that we are prepared to have some 25 to 30 workshops that will deal with the very specifics of the legislation with members of municipal councils, with members of municipal planning boards, and with staff of those planning operations throughout the province, and with the private sector as well.

**Mr. Chairman,** there is no indication that we were hemming and hawing or trying to delete something that would be of advantage to a municipality. Obviously, we have taken the advice and suggestions of members of the opposition parties on second reading of the bill, at which time I said we were prepared to move an amendment. I also put to rest any fears that we are not going through a very in-depth consultation program with municipalities relating to the Planning Act, whether it be this section or the entire new act we are bringing in, we hope, some time in 1980.

Motion agreed to.

**Mr. Deputy Chairman:** The member for Waterloo North had an alternative amendment, which I gather he is content to waive.

**Mr. Epp:** Yes, Mr. Chairman. I withdraw the amendment since the minister has put his motion for amendment.

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that section 35a(5) as set out in section 1 of the bill be struck out and the following substituted therefor:

"(5) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the heights or density of buildings to be erected on the land."

**Hon. Mr. Bennett:** The only change, Mr. Chairman, is that the word "bylaw" has been replaced with the word "section," strictly because the bylaw is not in force.

**Mr. Epp:** We will support the amendment the minister has put. It is essentially the same as in the present act and was not in the proposed bill. We think the amendment is a good one; the original wording in the act was good. We will support it.

**Mr. Renwick:** We're in agreement with the amendment.

Motion agreed to.

**Mr. Deputy Chairman:** Mr. Epp moves that section 35(a)(6) of the act as set out in section 1 of the bill be struck out, and that subsections 7, 8, 9 and 10 be renumbered accordingly.

**Mr. Epp:** Mr. Chairman, as I understand it, this is new to the bill. This section was not in the former Planning Act of June 1976. It is our feeling that it is really not necessary because it provides a certain amount of flexibility to municipalities to have the kind of parking that may be necessary. In other words, now that we're getting into multi-functional buildings, if that is what you want to call them, where you might have commercial and residential uses combined in one building, the municipality needs some kind of flexibility to determine the kind of parking that is required for that building.

The other thing is that the municipality can, under a zoning by-law, declare what kind of parking they desire. So we feel that if a municipality had section 35(a)(6), to which they had to adhere, they might make that minimum requirement fairly high. Then they may not be able to go below that minimum. We feel that with the flexibility offered by the deletion of subsection 6 they will then be able to make that requirement fairly low, a very low minimum, knowing full well that at a later date, when the developer is in, they can apply section 35(a) and ask for a higher amount. In other words, they have that flexibility.

I think, Mr. Chairman, it's essential that municipalities be given a little leeway, a little leverage here, to be able to negotiate and deal with the developers as they come in and can ask for parking facilities, as well as park-



ing allocations, or parking restrictions, et cetera, as with other conditions. Obviously, we will support this. We feel that it is a move in favour of local flexibility and local autonomy.

**Mr. Renwick:** Mr. Chairman, I will be brief. I think the point is very clear. We're aware of the amendment that is going to be moved; if they had not moved it we were prepared to move an identical amendment providing for this deletion.

The significance of it is simply that in any form of the kind of sophisticated planning a municipality such as the city of Toronto is engaged in, the last thing one needs is to run into an inflexible method, with respect to any provision of off-street parking facilities. There is a certain sophistication involved in the work which is done on all of these planning developments.

I do think we must leave it to the authorities within the municipalities to work out, in conjunction with those interested in the development, the most appropriate method by which the purposes of the overall plans can be achieved. That is not furthered, in any way, when we have a provision such as subsection 6, which imposes an unnecessary rigidity on the whole of the planning process, as related to those facilities.

[11:30]

**Hon. Mr. Bennett:** Mr. Chairman, I recognize the remarks of the member for Waterloo North relating to subsection (6) as presented in the bill this morning as not being in the original section 35(a) of the Planning Act, but obviously the ministry recognized there was a weakness in the act which allowed section 35(a) virtually, as a site-plan control, to become a "zoning via site-plan" section—virtually everything else it wants to be within the field of planning.

When one finds there is a weakness, one should try to strengthen that particular area in the process of amending a section. I suppose it is also correct to say that two wrongs do not make a right; so that is the reason we brought it in.

The member for Waterloo North said there was flexibility; that it could be accommodated within a zoning bylaw of the municipality. That is exactly where it should be. Parking requirements, density requirements, side-yard requirements or open-space requirements are things that should obviously be within a zoning bylaw. We should not try to take section 35(a) and use it as a catch-all for everything that we might think a municipality would want. They should have a zoning bylaw that clearly indicates what the

requirements are in the development of a particular piece of property in their community.

The honourable member said they go for minimal requirements in a zoning bylaw. I am not here to be hypercritical of municipalities, but they go for what they think are the requirements of the community, minimal or otherwise; it is what is essential to accommodate the type of traffic or parking or other things that are needed on that particular site.

We felt it was well that this act should have this section put in. If municipalities want to amend a zoning bylaw to request more parking, it should be done under the zoning. We looked at subsection 6 for some time to determine whether it was really essential. I suppose members of the opposition are saying this morning that municipalities should have a great deal more flexibility. I only want to make this one observation: at some point in time, the developer, whether it be an individual or a corporate structure, has to know exactly what he or she or they are being called upon to do under the section they are dealing with. To say that they can negotiate it every time through an agreement, I don't think is the fairest way in which to expect land to be developed.

I recognize there are complexities in the field of planning and development today that we did not entertain five or 10 years ago in this province or in any community of this province. We still think that section 6 could serve well. We think that municipalities have the competence and the capability to amend their zoning bylaws to accommodate the amount of parking they require in any given zone or block of zoning in their community. It is not a section that is going to stop up the Planning Act or the planning of this province, by any stretch of the imagination. However, we think that what is good for the municipality also to some degree has to be good for the individual who has invested his money in buying a piece of land that can be developed, and he should have some understanding from the day he buys it as to what the ground rules happen to be that he is going to be called upon to observe for servicing that piece of land.

We are not at the point where subsection 6 has to stay in the bill. If it means we are going to get bogged down for a period of time here this morning on this subsection 6, I am prepared to accept the amendment by the member for Waterloo North and to allow the subsection to stand aside, and in the process of developing our white paper we will look at it again.



I just make the point very clearly that I don't think we should try to get into two areas of trying to zone one piece of land. To have an agreement that says you will do a certain thing on a piece of property that you own—site-plan improvement—is one thing. But to try to have this section 35(a) virtually become the overall zoning bylaw of a municipality, I think is wrong. There are property owners who are entitled to some consideration as well as the elected people, remembering they both represent the same cause.

Motion agreed to.

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that subsection (6), as renumbered, of section 35(a) of the act, as set out in section 1 of the bill, be amended by inserting after "plans" in the first line "and drawings" and by inserting after "plans" in the fourth line of clause (c) thereof the same words "and drawings."

**Mr. Epp:** Mr. Chairman, this is essentially a clarification of some of the points here, and we will support it.

**Mr. Renwick:** Mr. Chairman, we agree with the amendment.

Motion agreed to.

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that subsection (9), as renumbered, of section 35(a) of the act, as set out in section 1 of the bill, be amended by inserting after "plans" in the first line, in the seventh line and in the 13th line, "or drawings."

Motion agreed to.

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that section 1 of the bill be amended by adding thereto the following subsection:

"(10) Where the council of a municipality has designated a site plan control area under this section the council may by bylaw

"(a) define any class or classes of development that may be undertaken without the approval of plans otherwise required under subsection 4; and

"(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the bylaw, either by name or position occupied, any of the council's powers or authority under this section except the authority to define any class or classes of development as mentioned in clause (a)."

**Mr. Epp:** Mr. Chairman, does the minister not want to comment?

**Hon. Mr. Bennett:** Mr. Chairman, this amendment came about as a result of some requests by, I would say, the city of Ottawa in particular. Where plans had been approved by a municipality or council, rather than wait-

ing to go back to council if there had to be some small changes in it, they felt it would be more advantageous to have an individual officer or a committee of council designated as the authority to make those minor adjustments. That is basically why this amendment is being proposed this morning.

**Mr. Epp:** Mr. Chairman, we agree with the amendment. I was speaking to a planning director just this morning and he was telling me he felt this amendment was very important from his standpoint and from the standpoint of all municipalities. As the minister has pointed out, if you had, for instance, a bylaw which said a development required 10 birch trees, and the developer later came along and wanted to put in white pine trees, he would then have to go back to the city council to have the bylaw amended in order to make that change. That is, to say the least, ludicrous. So, in concert with this particular amendment, the municipality can now pass a bylaw giving to a committee of council or to an individual that authority, either in whole or in part, as they see fit. We endorse the amendment for that reason.

**Mr. Renwick:** We are in agreement with the amendment, Mr. Chairman.

Motion agreed to.

Section 1, as amended, agreed to.

On section 2:

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that the bill be amended by adding thereto the following section:

"2. Notwithstanding section 1, section 35(a) of the Planning Act, as it exists on the day before this act comes into force, shall be deemed to continue in force in respect of any bylaw passed under that section prior to the day before this act comes into force."

**Hon. Mr. Bennett:** I have a new section 3, Mr. Chairman. Do you wish me to deal with it separately?

**Mr. Deputy Chairman:** Yes, I would think that would probably be easier.

Are there any discussions on the proposed amendment for section 2?

Motion agreed to.

Section 2, as amended, agreed to.

On section 3:

**Mr. Deputy Chairman:** Hon. Mr. Bennett moves that the bill be amended by adding thereto the following section:

"3. Every agreement entered into by a municipality after the 15th day of December, 1973, and before the day that section 35(a) of the Planning Act as re-enacted by section 1 of this act comes into force, to the extent



that the agreement yields that the facilities and matters mentioned in subsection 2 of section 35(a) of the Planning Act as it exists on the day before this act comes into force, is hereby declared to be valid and binding."

He further moves that the present sections 2 and 3 be renumbered as sections 4 and 5 respectively.

**Hon. Mr. Bennett:** Correct.

**Mr. Deputy Chairman:** Is there any discussion in regard to the proposed amendment for a new section 3?

**Mr. Roy:** I just want to thank the minister for the amendment.

You will recall that in committee the city of Ottawa had proposed what was called Bill Pr9 which would have done much of what is proposed by the minister in Bill 96. Yesterday in committee we deferred and agreed that section 8 of Bill Pr9 not be proceeded with on the basis that the minister would proceed with Bill 96. The one concern the city of Ottawa had, and I think it's recognized by the minister, is that there were existing agreements and, on the basis of these existing agreements, the city of Ottawa had inserted in their bill the subsection 9 which did basically what the minister is now proposing in the amendment of subsection 3. I think that will plug that loophole and will be appreciated by municipalities which had existing agreements.

Motion agreed to.

Section 3, as renumbered and amended, agreed to.

Section 4 and 5, as renumbered, agreed to.  
Bill 96, as amended, reported.

## RESIDENTIAL TENANCIES ACT

Consideration of Bill 163, An Act to reform the Law respecting Residential Tenancies.

**Hon. Mr. Drea:** Mr. Chairman, I would like the consent of the House to change my seat and also for the accommodation of my advisers.

**Mr. Deputy Chairman:** In committee, that is granted, sir.

**Mr. Renwick:** Mr. Chairman, I need just a little bit of advice.

We have distributed, I hope, to all the members of both parties who need copies, our amendment. We hope they have them and we're hoping to be able to deal with them somewhat expeditiously. We are proposing a new section and a new part to deal with one of the amendments. Do you have the amendment, Mr. Chairman?

**Mr. Deputy Chairman:** I don't have the amendment put forward by the New Democratic Party. The Liberals just asked to withdraw their proposed amendment, which they have done.

**Mr. Renwick:** I'm sorry, Mr. Chairman, I thought they had been distributed to the table.

**Mr. Deputy Chairman:** No, this is an amendment proposed for section 1.

**Mr. Renwick:** Mr. Chairman, you will note there are nine amendments before you. If you would be good enough to look towards the end of the package you'll see the last one is headed, "New section, new part to follow part VII."

**Mr. Deputy Chairman:** Yes, I have that.

[11:45]

**Mr. Renwick:** I assume, Mr. Chairman, subject to your guidance, that it would be appropriate for me to move that at the time we have completed section 69, which is the end of part VII. If the amendment were to carry there would be consequential redesignation of the various parts. Is that agreeable to you, Mr. Chairman?

**Mr. Deputy Chairman:** It is agreeable to me, unless the committee thinks otherwise. It would appear to have the consent of the committee.

**Mr. Renwick:** There is a further one which I have marked "section 111a, new section." I assume I would move that one just after 111, if that is agreeable.

**Mr. Deputy Chairman:** You also have an amendment to section 119, haven't you?

**Mr. Renwick:** Yes. If it is in order, Mr. Chairman, I will move my amendment to section 1 of the bill.

On section 1:

**Mr. Deputy Chairman:** Mr. Renwick moves that section 1 of the bill be amended by adding thereto the following subsection 4:

"(4) For the purpose of this act, the earliest reasonable date on which a tenant or subtenant may be evicted by order of the commission is a date at least 15 days after the date on which the commission's order was made."

**Mr. Renwick:** By way of explanation, we have been concerned that with the best will in the world, since an eviction is very much a Draconian result of a landlord-tenant dispute, regardless of the merit of the particular problem, there be something called a clear period of grace before an eviction order would take effect. That is not in any real sense inconsistent with the present provisions



under which procedures are taken. It should be quite possible, I would think, for our colleagues in the House to recognize the reasonableness of continuing that particular provision.

We have selected 15 days as being a fair and reasonable period within which there should be, after an eviction order has been issued, a waiting period. Later on you will note we have tried to make a provision in one special instance, although that's not the only reason for this amendment, where if an order is issued in the absence of the tenant, and the tenant after service has made an *ex parte* application within seven days, it would be possible for the order to be quashed if it merited that treatment. This is only one example. I do believe it is essential for all of us and for the members of the commission in particular to be told by the statute that there is to be a 15-day period of grace because of the severity of the eviction procedure.

**Mrs. Campbell:** This particular amendment, somewhat differently framed, was before the committee. I believe, if memory serves me, the amendment was put for 30 days and that was subsequently withdrawn. Certainly on the face of it, and if one looks at the experience of the past, the 15-day grace period is very similar to what we have at the present time. The difficulty is, of course, that in dealing with this bill we are dealing with a whole new concept.

One of the provisions of the bill is that the commission shall have an absolute responsibility to attempt arbitration, for example, in the course of the proceedings. The matter that bothered me, and I think it bothered a good many, was the actual cry, I would suggest, of those small landlords on whose behalf the member for High Park-Swansea (Mr. Ziemba) spoke so eloquently in committee. That is the situation of the person who has someone in a shared accommodation in the sense that the landlord lives in the house and rents a flat, for example. In several instances they pointed out their problems with what they termed "the professional rent evader." They were able to adduce some reports—I must not call it evidence, because they were not under oath, but at least they spoke to the committee—about these problems. I would like to just put this into context.

First of all, we do have the arbitration process. Secondly, we have provision in the bill that no eviction order can be made or should be made where, notwithstanding the grounds are there, there would be unfairness

to a tenant to make such an order. Having those two things in mind and then looking at the kinds of cases where a person would have an order made, whether it be for vandalism, whether it be for nonpayment of rent, it seems to me that with the provision for an appeal enough is done to cover those very serious cases.

While I normally do want to see some period of grace, I think these small landlords have certainly indicated that in the past it has taken them months to go through the court procedures. I must say that while that time may be circumscribed somewhat by this bill, nevertheless it could be a lengthy period of time.

For that reason, in committee we were not prepared to accept the amendment of 30 days and that amendment was withdrawn. I am afraid we cannot support this amendment at this time.

**Mr. Renwick:** Mr. Chairman, just a word of comment: I can always rely on my colleague, the member for St. George, to raise the "bad apple" theory, that we spend all our time here going through all of these bills simply for the purpose of making certain the bad apple will not take advantage of the system. I don't happen to believe in that particular theory.

**Mr. Mancini:** That's not what she said.

**Mr. Epp:** She didn't even mention an orchard.

**Mr. Renwick:** I regret there are always those who cause immense difficulties regardless of the procedures followed at any time. This is a law of general application in the province—

**Mr. Ruston:** Talk to the member for High Park-Swansea.

**Mr. Renwick:**—under which there will be legitimate disputes and differing views which will go through a course of being heard before a commission which we expect—we will be surprised but we expect, on the assurance of the minister—will provide a speedy method for resolving disputes between landlords and tenants. We recognize—indeed, it was my colleague the member for High Park-Swansea who, as the member for St. George said, clearly brought them to our attention—the very real concerns of the small landlord, not only in his area but in the area I represent, the area the member for St. George represents and the area my colleague the member for Beaches-Woodbine (Ms. Bryden) represents, where these problems are very real.

We have attempted in the bill to deal with those questions. That doesn't alter the fact that where you repose in a commission,



and, I may say, an inquisitorial commission, the right to order the eviction, and if in its discretion it decides to do so and terminate the tenancy that way, it seems to us to be eminently reasonable that whenever there is a provision in this bill for the termination of tenancies—for example, “Where on the application of the landlord the commission determines that a tenant has breached the obligation” and so on, “it may make an order terminating the tenancy and evicting the tenant on a date specified by the commission”—the commission has got to make that determination. All we are saying is there must be a 15-day delay because of all of the problems inherent in the relocation of any family living in rental accommodation, particularly in the kind of rental accommodation in the areas represented by my colleague from St. George and by myself.

I would urge the government, if the Liberal Party is not prepared to support us on this matter, to consider supporting this very reasonable request.

**Mr. Mancini:** I would like to speak to the amendment moved by the member for Riverdale, who, it appears, makes it seem as if a tenant can be evicted almost the next day just because the landlord seems to want that done. Having had a chance to sit through the committee hearings since January, and having a good knowledge of what the bill does, I can say that the tenant in no way is going to be evicted immediately, such as is the impression given by the member for Riverdale.

First of all, the landlord must have a good reason for evicting a tenant, either because the tenant is not paying his rent, or because he is causing vandalism or something of that sort of a serious nature. The bill itself says the tenant cannot be evicted unfairly, and that gives the commission any leeway it would need to make a good decision and ensure a tenant is treated fairly.

Secondly, a tenant has to be notified that the landlord does want to evict him. Then there is a mediation period in which the problem may or may not be resolved. This will take a certain number of days. Next, a hearing date is set up, which will take a further period of time. In addition, this new commission we are establishing will then either decide in favour of the tenant or of the landlord and give a specified date as to when the tenant must leave, if indeed that has been the decision of the commission.

I think we do have a certain period of time which will be ample. I believe tenants will be treated fairly. I think the extra 15 days requested by the member for Riverdale, and which was mentioned before when we

were in committee, although at that time it was 30 days, are not necessary. Therefore, Mr. Chairman, I cannot support the amendment.

**Hon. Mr. Drea:** The members for St. George and Essex South have very accurately described the consensus in the committee. That is also the position of the minister.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment will please say “aye.”

All those opposed will please say “nay.”

In my opinion the nays have it.

Amendment stacked.

Sections 2 to 32, inclusive, agreed to.

[12:00]

On section 33:

**Mr. Chairman:** Mr. Renwick moves that section 33(5) of the bill be deleted.

**Mr. Renwick:** Mr. Chairman, a brief word of explanation. All that subsection 5 states is that subsection 3 does not apply to rental units that are exempt from rent review under part XI. Part XI are those units which will be exempt from the rent review procedures and those units are all of the units constructed and occupied after the end of 1976, all units where the rent is in excess of \$750, together with some other exemptions which are provided.

What we have asked for throughout the hearings was a central registry. By central, we mean centralized on a regional basis, with a commission where any prospective tenant or a tenant in the province in that area could go and look for and obtain information about the rent being charged for comparable accommodation elsewhere in the area.

For reasons explained to us in the committee, which did not seem to have any rationale behind them, the minister has made a dichotomy between those units in the province which are exempt from rent review and those units in the province which are subject to rent review. For those units which are subject to rent review, not only do they post the information which we are speaking about in the residential complex, but they are required that “every landlord shall at least once in every 12-month period give to the commission a copy of the schedule maintained by him under subsection 1.”

We wish to have that made applicable to all units throughout the province. It seemed reasonable to us that over a period of time that kind of information should be generally available on a regionalized basis. It did appear at one point in the committee that we had perhaps reached an agreement, but as is so often the case, each of us heard what we



wanted to hear and didn't hear the other part of it and it fell apart in this strange dichotomy.

I do want to emphasize that under the bill as before us, in section 33(1) there is provision for posting up in every residential complex the information which is required. Our concern has been to see there is elsewhere, on a regionalized basis under the aegis of the commission, the information for all of the units across the province, and not to perpetuate this strange dichotomy between those units which are subject and those units which are not subject to rent review. It again, Mr. Chairman, appeals to us as essentially reasonable and consistent with the position which we have taken. I commend it to my colleagues in the other parties and to the minister.

**Mr. Epp:** Mr. Chairman, being very reasonable and consistent, we obviously will not support this amendment, simply because it does something which is not in concert, which is not consistent with what this Legislature committed itself to back in 1975. That was to exempt those units built after December 31, 1975, or as of January 1, 1976. It is our feeling that to have those units which were built since that day participate in a central registry and then have to submit all the rents and everything to that central registry, is a subtle way of involving them in rent review, a move this Legislature said should not be done.

We think that having an in-house registry, giving the tenants who have a unit or the potential tenants who are going to obtain a unit, the opportunity to be able to go to the manager, administrator, supervisor or superintendent, whoever that person may be, to see the registry, and to see the rents within that unit, is proper and right. To suggest then that we should go that extra distance and have that registry filed with a central or regional office and, therefore, have someone go over it to see if all the rent increases are six per cent or five per cent or four per cent or whatever they may be is not something this Legislature committed itself to. In fact, it suggested they be exempt.

We on this side of the House obviously cannot, will not and must not, to be consistent, support the amendment.

**Mr. Riddell:** Mr. Chairman, unfortunately I wasn't able to sit in committee to listen to many of the presentations.

**Hon. Mr. Drea:** Did you say "fortunately" or "unfortunately"?

**Mr. Riddell:** I would have liked to learn a little more about it.

**Hon. Mr. Drea:** I wouldn't have wished that on anybody.

**Mr. Riddell:** I must admit that rent does not pose much of a problem in the riding I represent—not that I shouldn't be interested in rent review as it affects all people throughout Ontario.

I would like to know if the government housing at the Huron industrial park, which is owned by the Ontario Development Corporation, falls under rent review legislation? If not, I wonder if there aren't reasons for having it included. The reason I say this is that recently I received some complaints from the tenants at the park that there is a move under way to evict some of them. This is for no other reason than that there is an industry coming in there, and the industry has in some way negotiated with the administrator—again, this is some information I have been given and I haven't checked into it—to evict tenants to make room for those people who will be coming along with the industry to move in.

If that is the case, I simply do not think that type of thing should be permitted. This is the reason I am asking if the government housing at Huron industrial park is included in this rent review legislation.

**Hon. Mr. Drea:** Mr. Chairman, I am not altogether sure of the answer from the description of this particular property. It's not really a question of rent review the member is asking about; he is asking if it is covered under the existing Landlord and Tenant Act—

**Mr. Riddell:** Right.

**Hon. Mr. Drea:** —or, if this bill goes through, the Residential Tenancy Commission. I don't really think it would be, to the best of my knowledge, unless someone from the Ministry of Housing can tell me differently.

The question being raised by the honourable member is dealt with in this act, as it is in the present Landlord and Tenant Act, in that there would have to be an application made stating the unit—let's leave it at an individual unit rather than a group—the individual unit was required by the landlord for his own use or that of his spouse, a very direct use. Obviously that would not be the case. But, by the same token—and I am sure the honourable member would recognize the validity of this—there is a section that states where a unit is required for purposes of employment, agricultural or other, the tenant of the unit could be evicted if he ceased employment with the concern.

In the case you mentioned, granted it is hypothetical, it seems to me the landlord, which in this case is the Ontario Development Corporation since it is not subsidized public



housing, would have the gravest of difficulty, either in the present act, the Landlord and Tenant Act, the courts, or in the future, if this bill goes through with the Residential Tenancy Commission. While there is an obvious benefit to an employer where he provides housing as a term and condition of employment in that when the person or the occupant ceases employment, obviously, he has to leave, there are also some provisions for students. It's a pretty rational position.

I would think the corporation would, indeed, have to get into considerable negotiations with the individual tenants before they even applied to the commission because what they would basically be applying to the commission for would be that these units that were heretofore entirely residential, had suddenly changed status and the particular number of units was directly tied to employment with the particular commercial concern coming in. So I would think, reasonably, if the Ontario Development Corporation had any ideas of entering into a situation like this, they would almost inevitably have to deal in some manner for an equitable resolution with the existing tenants.

I hope that would answer the concerns but it isn't tied to rent review. It's tied to the Landlord and Tenant Act, and so on and so forth, and it is basically their security of tenure which is being affected.

**Mr. Riddell:** Mr. Chairman, I just wonder if the minister is straying from the amendment and if these questions should more properly be directed when we come to section 134.

**Hon. Mr. Drea:** I would think section 33 covers a number of instances and is very broad.

**Mr. Riddell:** I thank the minister for the explanation. To familiarize him with the Huron industrial park, it used to be the old Centralia airbase.

**Hon. Mr. Drea:** Yes, I know.

**Mr. Riddell:** It was taken over by the Ontario government when it was phased out and the houses belong to the ODC. The administrator, of course, rents the houses out on behalf of the ODC. I must say this came about at the time when Charles MacNaughton was the member representing the riding. By way of trying to attract industry into our part of the riding, which we dearly need—

**Mr. Nixon:** Those were the bad old days.

**Mr. Riddell:** —he decided maybe it was a good thing for the government to take it over, and they got it for a nominal fee from the federal government. The story I'm getting from the tenants is that the administrator is looking for very picayune ways of getting

them out, such as, he's now saying there is no way they can park their trailer on the lawn in front of the house, or they can't park it in the laneway, or something of that nature. It looks as if he might be looking for very trivial ways of getting these people out to make room for the people who are coming along with this new industry coming in. The tenants are wondering what kind of protection they have if this is the case. That is simply the reason I asked if they would be covered under this bill.

**Hon. Mr. Drea:** I might suggest to the honourable member that he can afford them a great deal of protection by helping to expedite the passage of this bill, because until the Ontario Development Corporation, with the passage of this bill, certainly changes the status of those units from rental accommodation, they simply are not going to be able to do this. Furthermore, the items you mention about certain attitudinal changes on the project would be very difficult to prove in court under the existing Landlord and Tenant Act but, in terms of the investigatory powers of the Residential Tenancy Commission under this act, a very prompt passage would, indeed, assist the tenants there and ease many of their concerns.

[12:15]

**Mr. Mancini:** Mr. Chairman, getting back to section 33 and the amendment made by the third party, I think all of us in this Legislature should remember that when rent review came into being on January 1, 1976, we made a commitment that all units built after that day would not come under the rent control legislation. We did that so we could encourage the building of more rental units. This province needs more rental units and we need newer rental units. I think any move on our part to renege on that promise would just show the industry that our promises are not even worth listening to and that the commitment we gave through legislation was not worth the paper it's written on.

As the member for Waterloo North stated, these buildings constructed after 1976 will have their own listing in their own building, so the tenants in those buildings would have access to that information. I think we should stick with the promise we made and try to encourage new rental accommodation to be constructed in this province.

**Mr. Renwick:** One very brief comment: I say in all anxiety to my colleague, the member for Huron-Middlesex, that if this government happens to be the landlord of any constituents of yours, you'd better be



careful and they'd better get the best independent legal advice they can if they want to protect themselves from that landlord. I can well believe from the evidence presented before our committee that any kind of manipulation of the rules is available to that government if they happen to be landlords in the province. So I am glad you raised that point. Perhaps when we come to the appropriate place, the appropriate minister of the crown may stand in his place and relieve your anxiety. Otherwise take them home with you and consult with your constituents.

On the point raised by my colleague, the member for Essex South, about this commitment: first of all, let me lay this to rest. There is no such thing that I know of as a commitment of this assembly. I don't know of anything that can be done about that.

There was some talk in the committee about this commitment, and the minister gave a lot of credence to the thought that they'd shed part of their blood in order to seal that commitment somewhere, and it was talked about in some way as though it was a commitment of this assembly. I dissociated myself and the New Democratic Party from any such commitment at any time by this party with respect to those exemptions. What the Liberal Party may feel they have done and what the government may have felt they have done, they have done in the names of their own institutions and not in the name of this assembly. This assembly made no such commitment, never has made such commitment, and this party—this institution, if I may call it that—has made no such commitment.

**Mr. Roy:** You are exaggerating when you compare your party to an institution.

**Mr. Renwick:** We stand committed, not to some Draconian bureaucracy of a central registry, but for the convenience of the informed consumer public of Ontario. We believe there should be, on a regional basis, for any citizen in search of rental accommodation, a place with modern techniques for providing that kind of information. I refer to the type of information they require to be an informed consumer and to do some comparative shopping.

**Mr. McCaffrey:** The member for Riverdale I think is quite correct when he says he was not party to the commitment that has been suggested was undertaken by the Legislature. He need not feel, nor does his party have to feel they were part of any such undertaking. But what is very clear is that the government made such a commitment,

had honoured it, and will continue to honour it.

Through the course of the committee all members of the committee had shared this desire to see the consumer as well-equipped as possible to make decisions before entering into a rental agreement. It's very clear in the bill that every landlord—not just those buildings occupied or built prior to 1976—shall maintain and keep a schedule. The difference is a simple one: those buildings built and occupied after January 1976, as per the government's undertaking made with the builders that they would not have to file that with the commission.

The member for Riverdale refers to it as a strange dichotomy. It is more than that. It reflects an earlier agreement which will continue to be honoured.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."  
In my opinion the nays have it.

Amendment stacked.

Sections 34 to 39, inclusive, agreed to.

On section 40:

**Mr. Chairman:** Mr. Renwick moves that the words in subsection 3 of section 40 "or in a breach of the tenancy agreement" be deleted from the bill.

**Mr. Renwick:** Mr. Chairman, a brief word of explanation: The bill, as it was originally presented to this assembly for first reading, did not include those particular words in it. The marginal note with respect to this has "overcrowding" as the marginal annotation.

The bill, as originally introduced—and we ask that it be restored to its original pristine form—read: "A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law."

I believe it was the member for St. David (Mrs. Scrivener) who introduced this particular amendment, and it was carried in a moment of forgetfulness by my colleagues in the Liberal Party voting with the Conservative members. I would hope on this occasion we could move to delete those provisions.

We here adhere to the proposition that, if there are housing, safety or health standards with respect to the number of persons who may occupy a given unit of living accommodation, those should be the governing standards; a landlord should not be in a position to dictate the number of persons who should occupy the particular residential area by having it as a provision in the tenancy agreement.



I might point out to the House the very real significance of permitting this to happen. There are so many landlords who have standard forms of leases who, if they insert the number of persons in a particular clause, are then in a very commanding position as against a tenant, because they can get an order from the commission requiring the tenant to comply with the obligation or not to breach the obligation again. If the tenant, through no fault of his own, is simply not in a position to comply—for example, if he has had an addition to his family which brings him over the particular number and he cannot farm out the baby or put it out for adoption some place, or something like that—the landlord can get an order from the commission requiring compliance. Under a later section of the bill, if he dares to disobey that, the commission, if it sees fit, may issue an eviction order. It seems to us to be quite inconsistent to provide that there should be that kind of imbalance in the relationship between landlord and tenant.

We firmly believe in the adequacy of and the enforcement of the laws passed by representative elected bodies for health, safety and housing standards. I would ask the government and the Liberal Party to support the deletion of those words and to return the subsection to its original wording.

**Mr. Epp:** Mr. Chairman, we cannot support this amendment. I sympathize with the example that the member for Riverdale has given, that in the case where a couple might have an addition to the family the landlord could, if he wanted, try to evict that particular family.

This obviously would come under a situation where it would be unfair to try to enforce that section. The member for Riverdale has said "if they see fit." I doubt very much that the commission would see fit to evict someone because they happen to have an addition to the family.

I think what this particular phrase does is obligate a person to give truthful information from the beginning. I think that's very important. To omit a section where that obligation was not there would leave all kinds of loopholes where you could give false information and thereby get into a particular building and then try to be evicted, which might take some time. It would not be fair either to the tenant or to the landlord. We don't feel on this side of the House that this amendment is necessary. We think that as the particular section stands it will benefit both the landlord and the tenants.

**Mr. Mancini:** In my opinion, any commissioner who evicts a family that's had a new

addition to that family needs to be fired—and I hope the minister has heard that loud and clear. The bill states under section 102(2) that "the commission may refuse to accept any application or continue any proceeding where, in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith." I think that section certainly would give good coverage to the families which have had a new addition, and my earlier words stand.

**Mr. Roy:** I just want to make one comment about this section. I've been sitting here all morning listening to the member for Riverdale who's been making comments and proposing amendments on this bill—

**Mr. Makarchuk:** You've been listening to other members as well. There has been some agreement.

**Mr. Roy:** This may be, but I think I'm still entitled to make comments, especially when I see what's going on to my left. I think I shall not be curtailed on making certain comments.

**Mr. Makarchuk:** You want to extend this?

**Mr. Roy:** All I wanted to say was this: earlier, my colleague from St. George gave a reason why, on a particular amendment, it was going to cause undue hardship on a small landlord. The member for Riverdale said, "Oh, yes, you're looking for bad apples. You're trying to make the rule with the exception." I thought it a bit much that in the proposal of this amendment he reaches pretty far—he reaches pretty far indeed—to give an example of a situation where a tenant and a family having an addition might, because of this section, be in contravention of a lease and then a commissioner would say, "You're in contravention and therefore you're thrown out."

I thought that was just a bit much. Even on the widest interpretation or reading of section 40(3) I couldn't quite understand how that would be considered to be in violation of health, safety or housing standards required by law.

I just thought I should get on the record that when a member is standing here posturing he can't have it both ways. He can't, on the one hand, when one of my colleagues brings forward an example, or there's difficulty with a bill, say that is the exception and then, on the other hand, reach as far as he does trying to say that a particular subsection will wreak undue hardship on a tenant.

[12:30]

**Mr. Renwick:** I accept the admonishment of my colleague, the member for Ottawa East.



What one does is not necessarily what one says that others do in this House. I referred, of course, in most loving terms to my colleague, the member for St. George. Each of us on occasion uses the bad apple theory as it may serve our purpose and I, perhaps, even recall the member for Ottawa East having used it on occasion.

**Mr. Roy:** Oh yes. I try not to pontificate about its use by others.

**Mr. Renwick:** I see. I will tuck that away in my memory. I'll watch closely.

**Mr. Roy:** I will be silent from here on in.

**Mr. Renwick:** My only point on the amendment is very clear: where there are actual laws related to health and safety and occupancy of residential accommodations, that's quite fine. But considering the history of the vexatious nature of the problem created by placing in a tenancy agreement a covenant—and I draw this to the attention of my friend from Essex South—a covenant by the tenant that they will not have more than such and such number of persons in order to get in the accommodation, it's very difficult for anyone to treat a breach of that kind of condition or covenant in the agreement as simply a matter of vexatious proceedings.

Those matters can be enforced and it wouldn't be the first time a person sitting in a judicial position would say, "I sympathize immensely with what the tenant has said but the clear words of the agreement are this and we must, for consistency's purpose, allow the order to issue in the particular case." I would ask for the support for this amendment.

**Hon. Mr. Drea:** I just want to read a sentence into the record so that no one will be confused. First of all, the member for Essex South is absolutely correct in the section which does prohibit vexatious application, among others. In addition, there is also section 6(1). I just want to read in the last part of that subsection, and I think this will make it abundantly clear. "The obligation cannot be enforced unless it is reasonable in all the circumstances." I think that covers the matter raised by the member for Riverdale and his example about someone giving birth and losing their tenancy as a result.

**Mr. Renwick:** I am constrained for a brief comment. The problem between accommodation in Metropolitan Toronto where children are permitted and children not permitted is the kind of controversy which is extremely difficult for the commission to rule on in the absence of some kind of public pronouncement on it from an elected body. It's not that kind of circumstance. Certainly there are instances where it would not be reasonable and

I agree with that. There are instances where it would be vexatious. I agree with that. But there are also issues of substance involved in this amendment and the amendment should carry.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

Section 41 agreed to.

On section 42:

**Mr. Chairman:** Mr. Renwick moves that section 42 be deleted from the bill.

I might suggest that the way this amendment is placed just negates the section. Therefore, the proper way to handle this would be to vote against the section when it's put.

**Mr. Renwick:** This particular provision is simply inserted for practical purposes, although the minister responsible for the bill may have agreed to put it forward and continue it in the bill. It's been placed in there because the Minister of Housing of Ontario requested that it be in the bill. It relates to what is known in the confines of our committee as subsidized public housing, which simply means that it's people who are tenants in publicly owned accommodation. The largest of those landlords, of course, is the Ontario Housing Corporation. I understand they have upwards of 90,000 units now in the province; they are the largest landlord, let alone the largest one covered by this.

This is the only place in the bill where the members of the committee, because of the refusal to take this out, have provided an invidious distinction between people who live in publicly owned accommodation and those who do not live in it, and have inserted in the bill provisions which are in their nature—if I could use that often-used term—quasi-criminal in the allegations that are made.

One will find in this section such words as "false statements," "knowingly misrepresented" and all of the words that are related to some form of criminal charge related to fraud and misrepresentation, with provisions for very significant penalties against any such tenant, culminating, of course, in the termination of the tenancy and an order for eviction of a tenant.

We have taken the position throughout that the tenants in public housing in Ontario are not required to comply with obligations different from the obligations imposed on any other tenant in Ontario except for the purpose of determining whether they are in the economically straitened circumstances, whatever



the reason, that require them to have that housing accommodation.

Once the people are admitted to Ontario Housing, the question, and the only germane question, is one relating to need. In the committee, we have effectively dealt with that question under section 55. It had been the position of the New Democratic Party that an adequate way to deal with the one and only distinction that should be made between public housing tenants and other tenants in the province of Ontario was on the basis of what is now contained in section 55 of the bill. To have added these other punitive provisions is, in our view, a very bad example for the government to have admitted into the bill because of the kind of distinction it makes.

I am not going to go over them again, but the number of examples that were presented to the committee of the kind of information required from public housing tenants in order to be admitted to tenancy is picayune, detailed and exhaustive to the extent that it is offensive, and was offensive, to all the members of the committee. The same kind of basic intrusive information in very detailed particulars is required also with respect to the renewal of their occupancy in Ontario Housing. All of those kinds of things are still permitted, will be permitted and will exist.

It is not of help or assistance to us to have had the wording of this particular section amended in such a way as to add "knowingly and significantly," "significantly makes," or those kinds of words. That just adds an additional burden on those who have to make a decision whether or not this kind of offensive measure is going to be applied.

On the basis of the evidence that was given before the committee, either by the officials of Ontario Housing in support of their present procedures, by members of the public who are tenants in Ontario Housing, or by those who have represented tenants in Ontario Housing before the courts on these very issues, there is no justification that should allow this assembly to make this kind of distinction, in this kind of bill, against the tenants in public housing.

I cannot do other than to urge that the section be voted against and defeated and not form part of this bill.

Mrs. Campbell: Mr. Chairman, this section is one that has given me a great deal of concern. There is no question that I think every member of the committee present, when the board members of Ontario Housing Corporation came before the committee, was filled with dismay at the attitude of those persons. I say that so as to distinguish between them

and the staff person who sat so diligently throughout the committee hearings and who, I believe, tried to be helpful to the committee. I know each and every one of us would have liked to have found a way, right then and there, to deal with the policies, whatever they are and whatever they may be, of that organization.

Of course, when you are filled with that kind of concern, you do want to delete this section and you do want to place those persons who are not able to meet the economic market in rents and deal with them as tenants, as is anyone else.

Then I come to the other side of the coin. Because of the failure of this government to provide sufficient housing for people who need it, I am disturbed with the practical issues which are implied in this section.

We heard there was great dismay by both the ministry and Ontario Housing with the one tiny little step forward the committee made by an amendment to try to protect those, particularly women because they are in the larger number, who are automatically evicted from Ontario Housing, the only reason being their families have grown up. That was one provision to which we were able to address ourselves.

It was agreed in the committee that we could not in this bill deal with the policy issues of Ontario Housing much as we wanted to do. I hope somewhere there will be some recommendation that a committee be struck to deal with the whole of Ontario Housing and its policies because they certainly need to be addressed.

I know of the people who come to me for housing and I suppose I have to think of those people as well, people who have legitimately put forward their needs. Because they happen to be under 60 years of age and working at a minimally paying job, they are not entitled to be dealt with as people.

[12:45]

I guess coming down to it, what I have to say is if there are people in housing who ought not to be there because they do not have the need and they have piggybacked over people by producing the necessary evidence in the point structure of Ontario Housing, then in my view it is not equity for all those who are waiting. I did not bring the figures with me that I think were given by the Ministry of Housing, the deputy minister who appeared before us, but the numbers were in the thousands of people in need who can't get into housing.

I suppose then I say that I don't believe basically that this should be in this type of



bill and if by deleting it I could somehow be assured that this government would meet the needs of all the people in this province so that this need not be a part of it, then I would in fact of course support the deletion. But at this time it seems to me that it is wrong to support those who get into housing perhaps by trickery or perhaps by inadvertence. Those who get in by inadvertence are protected under this bill.

This is one case where I really am torn. I would love to delete it but, coming down on the side of those whom I deal with daily, those who are seeking some place to live, I guess this has to be here at this time.

**Mr. Riddell:** Mr. Chairman, am I to understand from the comments made by the member for Riverdale that if this section was left in the bill it would tend to reinforce the stigma that seems to be attached to public housing or to tenants who live in public housing? Do I understand the member to indicate that this is the case, because I know, going back to the Huron Industrial Park, it has taken us a long time to get rid of that word that has been used time and time again in reference to that place. They call it the ghetto.

**Hon. Mr. Drea:** It's not public housing within the meaning of the act.

**Mr. Riddell:** I don't know, it's still housing that is owned by the government, and the ODC has a—

**Hon. Mr. Drea:** My house is owned by the government—CMHC has the mortgage.

**Mr. Renwick:** Your house is not owned by the government and you know it.

**Mr. Riddell:** The ODC hires an administrator to rent these houses out. All I'm saying is that if there is any possible chance that this section would bring that term back into the Huron Industrial Park, known as the ghetto, then I'm going to have to take a pretty serious look at it.

**Hon. Mr. Drea:** The member is perfectly entitled to take a very serious look at it, but I doubt if he wants to go back to his constituents and say that by removing this section of the act there became a reward for a word and a practice that it not dared to be even mentioned in this House; to wit, lying on an official document.

**Mr. Renwick:** I am glad of the minister's intervention. There is nothing official about an application to be a tenant in tenant accommodation in Ontario. That's the particular point I want to make. Is it an official document when you apply for an apartment in Cadillac Development Corporation? No.

Does it become an official document when you apply for tenancy in Ontario Housing? Apparently yes.

It's the bureaucratic mind at work. It has even got through to the minister. It has become official. It's top sacred. You should have a special filing cabinet with a top drawer, top sacred, with official documents in it and put the application forms for Ontario Housing into it. My colleague, the member for St. George is torn; I wish I could clear up in her mind the invalidity of the argument she used to convince herself.

Section 55 clearly provides if there is any tenant in Ontario Housing who does not have need—and that is the key word—then on application by the landlord, in this case Ontario Housing Corporation or any other public authority, the determination can be made: does that tenant have need of this accommodation? If the decision is no, then there is provision of eviction; if the decision is yes, the tenant stays.

That's fine. That is the one and only distinction we should have to make. We are happy to have made it and we are happy to have that kind of clearcut provision in section 55. But the members seem to indicate that somehow or other, if there is a falsity in the original document, Ontario Housing should have the privilege of exercising the continuous form of subterranean tyranny they now exercise against tenants because of some kind of a statement which may have been false, inadvertently or otherwise, in the original document.

**An hon. member:** Knowingly.

**Mr. Renwick:** Yes. But the question is that you can get that tenant before a commission affecting the tenant's right to stay in that accommodation for determination of that question. The harassment is bringing the tenant before the commission on that basis.

Let's not make any mistake. We have clear distinctions in this province between fraud and misrepresentation and doing people out of money and all of those things. All of those rights are available to Ontario Housing as landlord in the same way they are available to any other citizen in the province.

If someone has gotten into Ontario Housing and he wins the lottery, or he has failed to disclose his real assets and he has been getting cheap accommodation and it is discovered by Ontario Housing, they have every right—and we would support that right—to go to the courts and to claim that money, both in the criminal courts and in the civil courts. Money paid is one thing; bilking of people through fraud or misrepresentation is



another thing entirely. I am saying this provision should place Ontario Housing in an advantageous position, rather than in the kind of position every other person in the province is in who has been defrauded.

I have not heard the member for St. George say that regardless of need, if there is a tenant in Ontario Housing who has need of that accommodation, that tenant should be evicted because there is some type of false statement in the original application. That has never been said by members of the Liberal Party, but that's what they are saying.

We had examples of all kinds of statements; if you were to fill out that application form, you could make any number of statements. The landlord could say, "I happen to believe this statement of yours is significant; you had better come to the commission." That very threat to those tenants, by having this provision in this act, is the kind of harassment which takes place in Ontario Housing and which we are trying to eliminate.

It is absolutely essential, in our view, that any remedies the landlord, Ontario Housing Corporation, has are the same remedies anybody else has. It doesn't need any kind of a leg up here, by some specious argument with respect to the method by which people can be evicted from Ontario Housing.

I reiterate: the test is need. If the tenant, in his accommodation in Ontario Housing, can be shown not to have need, he shouldn't be there. If the tenant has need, he should be there. There is no middle ground for us.

It seems to me we should leave the other remedies we want to have to the operation of the ordinary criminal and civil law, for which there is ample recourse, and not add this additional provision, making again the kind of invidious distinction that we disagree with between tenants of public housing in Ontario and other tenants.

**Mr. Sweeney:** Mr. Chairman, in the absence of my colleague from St. George, I feel compelled to clarify a distinction which I understood her to make but which, it would appear, the member for Riverdale did not perceive in the same way.

Like my colleague from St. George, I have a large number of my constituents who live in Ontario Housing. I know the pressures of daily living they come under, and there is no way that I, like she, would add to those pressures. Also like the member for St. George, I have a large number of people, almost on a daily basis, appealing for some assistance to get into Ontario Housing.

The point that the member for St. George was clearly making was the point of equity, because there are two factors that are taken into consideration with respect to those who live in Ontario Housing. First and foremost is need. The second one is that the rent paid for that accommodation, once the need is established, is based on income. That's where the point of equity has to have the second edge. The ability to pay, and the amount that one has the ability to pay, are also parts of the need formula.

My colleague from St. George is clearly expressing her personal anguish—and I simply want to echo it—that there are more people in this province who need assistance with respect to subsidized, public housing. That is not the quarrel; that is not the issue. The point is, when there simply isn't enough—and that is the situation—to meet the entire need, then there are two questions and two other issues that have to be included in our own perception of the problem. One is, who has the greater need? The second is, what is the issue of equity at stake here? That's the point my colleague was making. That is still a valid point, and it's through her concern and her anguish that she stresses that point, and not whether or not there is need.

**Mr. McGuigan:** Mr. Chairman, as a member of the committee and having heard the arguments, I must say I have been moved both by the member for Riverdale and by his eloquent, very reasoned and legal arguments about taking this section out.

Coming from a riding that has very little public housing and not being involved in it myself, I tried to approach this from the standpoint of more or less a third person listening to the arguments. I can appreciate many of the things the member has said about various serious hardships that are imposed upon occupants of public housing who no longer meet the requirements and are called upon to leave. But I think the remedy for that is in public housing.

We were told by the deputy minister responsible for public housing that his ministry's mandate is to give such housing to three categories: families with children, senior citizens (those persons 60 years of age and over) and the disabled. If those people are being denied housing by virtue of the fact that someone is in the dwelling who should not be, then we have to weigh the relative merits. I think I have to come down on the side of the law and the mandate of the Ontario Housing Corporation. We may not agree with everything Ontario Housing does, I think all of us agree we need more units,



but as long as we live within those restrictions I believe the law must be upheld.

[1:00]

The member for Riverdale (Mr. Renwick) in his very legal way—and I certainly won't challenge him in legal arguments—has mentioned there should be a difference between a tenancy agreement with a private person or a private corporation, and government.

**Mr. Deputy Chairman:** I wonder if we might hear from the House leader for a moment. In view of the fact the original understanding was the committee would rise at 1 p.m., would the member for Kent-Elgin yield for a moment?

**Hon. Mr. Welch:** Mr. Chairman, I think we have to regularize some procedures from this point on. It's my understanding we need a little more time to complete the consideration of filed amendments in connection with this legislation. If we could continue to sit between now and 2 p.m. we could complete this bill, save and except for the voting on the amendments, which we could arrange to call for 10 minutes to six this afternoon following private members' business. I suppose what I have to do now is ask the committee to rise and report so we can get the unanimous consent of the House to proceed on the basis of that understanding.

On motion by Hon. Mr. Welch, the committee of the whole House reported three bills with amendments.

#### BUSINESS OF THE HOUSE

**Hon. Mr. Welch:** Mr. Speaker, I seek unanimous consent of the House to enable us to go back into committee of the whole to complete the consideration of Bill 163 sometime between now and 2 p.m. because we're going into routine proceedings promptly at 2 p.m. It's our understanding that once Bill 163 is completed in committee of the whole we will then start the routine proceedings at 2 p.m. This afternoon, following the private members' business, somewhere around 10 minutes to six, we will have the bell to vote on the matters still before the committee of the whole. May we have unanimous consent to proceed now to complete that work?

**Mr. Deputy Speaker:** The House has heard the request of the government House leader that the House continue sitting from one until two o'clock. Does the House give unanimous consent?

Agreed.

House in committee of the whole.

#### RESIDENTIAL TENANCIES ACT

(concluded)

Resumption of consideration of Bill 163, An Act to reform the Law respecting Residential Tenancies.

**Mr. McGuigan:** I just wanted to complete my remarks by saying I believe there is a distinction between a rental agreement with a private person or a private corporation and a rental agreement with governments, because when governments are using public money in all of their activities they have to make certain the public interest is served in the way intended by the Legislature. Whether the Legislature was right or wrong might be another matter, but I think there is a distinction between those two types of business arrangements. That was all I wanted to say.

**Mr. Deputy Chairman:** Is there any further discussion on section 42?

**Hon. Mr. Drea:** I just want to draw to the attention of the House that without this section if two people were in need, the unit would either remain in the hands of the one who had it or be given to whoever was the best liar. The intent of this section is to provide that the only real basis upon which a decision is made in most cases for subsidized public housing is either by a points system or something of the equivalent. It is designed to be fair but it depends, quite frankly, upon the honesty of the applicants. Were we to delete this section, when you have two people who are in need one may deliberately exaggerate need; the other may be entirely honest about the need. The deletion of this section would mean, quite frankly, that the one who set out to deceive in order to attain a goal—

**Mr. Makarchuk:** You automatically assume there are thousands of people out there who want to deceive you.

**Hon. Mr. Drea:** —for the first time, because of that conduct would receive the prize, which is the accommodation. I don't think anybody in this House wants that.

**Mr. Deputy Chairman:** So that we're clear on this matter, Mr. Renwick's motion was that section 42 be deleted. The chair ruled that the proper way to handle that was to simply vote against the section.

Shall section 42 stand as part of the bill?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Vote stacked.

**Mr. Renwick:** The next amendment I have is the one to which I referred at the beginning when I asked for your assistance Mr. Chairman. It would come in following section



69, which is the last section in part VII. If passed by the House it would become a new part, presumably part VIII, with the other parts being renumbered. If it's in order I would move that.

**Mr. Deputy Chairman:** That is after section 69, which is the final section in part VII.

Sections 43 to 69, inclusive agreed to.

**Mr. Renwick:** This amendment is somewhat lengthy but I think the very statement of it will commend itself to the House and require little, if any, elaboration by way of explanation.

**Mr. Deputy Chairman:** Mr. Renwick moves that the bill be amended by adding thereto the following:

"(1) No landlord directly or indirectly, alone or with another, shall:

(a) deny to any person or class of persons occupancy of any residential unit;

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any residential unit because of the race, creed, colour, nationality, ancestry, place of origin, age, sex, marital or family relationship, or physical disability of such person or class of persons, or of any other person or class of persons with whom such person is associated.

(2) The prohibition in subsection 1 in respect of sex and age does not apply to a rental unit in a residential complex where the occupancy of the residential complex, other than that of the landlord, his family or employees, is restricted to individuals who are of the same sex or who are more than 65 years of age.

(3) Any person who has reasonable grounds to believe that a person has contravened subsection 1 may file a complaint with the residential tenancies commission.

(4) Where the commission determines that there has been a breach of subsection 1 the commission may make an order entitling occupancy.

(5) Where an owner is found guilty of contravening subsection 1 the maximum penalty that can be imposed is \$1,000."

**Mr. Renwick:** We gave consideration to such a motion as this with respect to continuing this crusade that's been going on for so long in the province, which has been very successful in some areas, of eliminating discrimination in housing accommodation.

We gave consideration to the existence of the report of the Ontario Human Rights Commission, *Living Together*, which has been available for some considerable period of time now but which has not been implemented by the government. We do not know what the government's intentions are with respect to

that bill—not so much with respect to the timing of an introduction by the government of a bill dealing with the discrimination matters, we know that because the first minister, the Premier, has committed himself by indicating that bill will be presented to the assembly in the fall of this year—we do not, however, know anything about the content of that bill. We do not know what its substance is and we felt it wise, with this act, to make certain the act itself contains provisions with respect to anti-discrimination legislation.

The second reason that constrained us to put this amendment forward was that in the evolution of anti-discrimination legislation as part of the fabric of the province and the need for the Ontario Human Rights Commission to have been the focal point for that kind of legislation to become effective in this province—certainly with respect to housing accommodation—there is every reason to believe that kind of problem, given the intimate information and knowledge which the commission will gain over a period of time, is precisely the kind of information the commission itself, under this new act the Residential Tenancies Act, can deal with, rather than having it dealt with by the Ontario Human Rights Commission.

It did seem to us if we were attempting in one single bill to provide a uniform law related to landlord and tenant matters, there was on balance at least some justification, if not a compelling argument, that the anti-discrimination provisions be incorporated as part and parcel of the bill.

It was with that in mind that my colleague the member for Scarborough-Ellesmere (Mr. Warner), placed this amendment in the committee. It failed to pass in the committee. I would commend it to the detached view of those persons in the House who were not with us in the committee, for their consideration in the hope that this essential part of the kind of quality of society we want to maintain in Ontario in housing matters should be a permanent part of this bill, so that anyone looking at a bill in Ontario related to landlord and tenant matters can say, "Here it is; it's all here. It's all in the one place, a fundamental part of my rights as a citizen to gain access to accommodation is not to be found somewhere else but is to be found here before a commission." A commission which, with its accumulated knowledge, and we hope wisdom over the years, will be peculiarly adapted towards making certain that discrimination does not play any particular part in our world.



It is for those reasons my colleague the member for Scarborough-Ellesmere originally moved the amendment and I have the honour of moving it in his place today.

**Mr. Epp:** Mr. Chairman, in the interests of time I am going to be very brief, because we have heard all the arguments before over 15 months. I would just say that we will not support the amendment, although we obviously agree in spirit with what is being done here. I want to emphasize that we agree with the intention, but we do not think it should be included in this bill.

I think that in essence it would undercut what the Ontario Human Rights Commission is doing; if you're going to include it in every bill you might as well disband the commission. We do not agree with disbanding the commission; we do not agree with including this in this bill. We think it should be dealt with in a separate bill.

The Premier has indicated that bill will be coming forth this fall; we have to accept his word for it. If we want to make amendments to the new bill at that time that is the proper time to do it.

[1:15]

**Mr. McGuigan:** I think anyone who has been a member of this House or listened to debates in this House over the last two years, at least in the time that I have been here, would realize that our leader, the member for Hamilton West (Mr. S. Smith) has pursued a very vigorous campaign pushing for the adoption of a revised human rights code. It is very much a part of this party's policy and we can agree with every item that the honourable member has included in his amendment.

As the member for Waterloo North has said, our only quarrel with it is that we then create a situation where people who are aggrieved will not know which direction to go to have the grievance corrected; or they may choose between the sources of correction, deciding that one would better suit them than the other.

We think in the interim, between now and next fall, when surely we will have a revised human rights code, that people will be adequately protected by the officials appointed under this organization and that they will be protected under the terms in fairness.

Certainly the members of all parties, I'm sure, will be heard from if fairness is not made the number one rule of the commissioners. Thank you.

**Hon. Mr. Drea:** Mr. Chairman, I would just comment that the resolution was put forward by the member for Scarborough-

Ellesmere and was defeated in the committee on June 12. There has been no change in it except for the mover.

I want to associate myself with the remarks of the member for Waterloo North. I don't think there is anyone in this House who doesn't subscribe to what is put forward here. By the same token you have the very practical consideration that we have a human rights code, a human rights commission. It should be amended: there's no question about that. There are commitments that it soon will be, and that is the proper place to deal with this matter.

My concern of June 12 is still my concern today, that by the passage of this amendment there would be a fragmentation and an erosion of the work that has been so successfully done for so many years. Hopefully it will be done even more successfully in the future by the Ontario Human Rights Commission.

**Mr. Chairman:** As you know, this would add a new section, a new part, to follow part VII. Is it the wish of the committee that the amendment be adopted?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

Sections 70 to 106, inclusive, agreed to.

On section 107:

**Mr. Renwick:** Mr. Chairman, as the substance of the amendment is related to four sections I assume it is in order for me to place it this way, although I recognize that our alternative was to vote against these particular sections.

**Mr. Deputy Chairman:** Mr. Renwick moves that sections 107, 108, 109 and section 110(2) be deleted from the bill.

That's fine, and it is on the record, I think when the vote comes it probably will be handled in the same way, that is whether these sections should stand as part of the bill or not. But certainly the intent is clear from your amendment.

We are now speaking of 107, 108, 109 and 110; I gather they are similar in content.

**Mr. Renwick:** Yes, Mr. Deputy Chairman. The elimination of 108, 109 and section 110(2) really are consequential upon our desire to remove section 107 from the bill. I suppose in one sense this is a matter which can be seen in a legal context, but there is immense substance to it because it strikes at the very heart and nature of the kind of commission we are providing in this bill.



This party has been on the record for a long time as wanting a commission to see if we couldn't somehow marry the needs of justice in landlord and tenant matters with economy of time and cost. We had proposed a commission that would accomplish that kind of purpose. To our surprise, we find for the first time in the province of Ontario we are enshrining in a statute a commission which may be an instrument of inquisition; it is a commission with inquisitorial powers.

I specifically advised the minister and his advisers at the time this was before the House that no other such commission established by the House has the provision that at the hearing the commission shall question the parties who are in attendance at the hearing, as well as any witnesses, with a view to determining the truth concerning the matters in dispute. We are, of course, interested in determining the truth of the matters in dispute; what we are not interested in is a commission which can conduct an inquisition and which will relegate to itself, under any form of inquisitorial proceedings, command over the whole of the proceedings which will be carried out.

Again, in questioning in the committee, we endeavoured to get some sense of the nature of the commission. We were able to get some sort of structural changes, which may or may not do something to alleviate another concern which we had about the commission. Let me say that the course to be followed by this commission is first of all to inquire into any matter in dispute between a landlord and a tenant and assist the parties to the proceedings in an attempt to settle the matter by agreement, the so-called mediation provision. We are not particularly concerned about that initial process.

It then goes on to say that when an application is made to the commission, where the commission has inquired into the matter and is of the opinion it is unlikely it can be resolved, the commission shall notify the parties and hold a hearing. It is the nature of the hearing, and the inquiry leading up to the hearing, that causes us immense concern. It should cause every member of this House immense concern, because there was no clear statement by the minister, or in the committee, with respect to their understanding of the nature of the provisions which will govern this commission in its procedural form.

I may say without harking back too far that in the history of the law as we understand it, in the struggle which took place in England between the supremacy of the common law and the supremacy of other

forms of executive versions of law, such as the Star Chamber and others, the common law won. We eliminated, for practical purposes in the province of Ontario, by inheritance from England, we eliminated the inquisition as a method of determining the truth. There are some relics of it, of course, in the coroner's inquest, which is for a different purpose; but no one is going to be threatened in their personal capacities with respect to that, that's for the determination of the cause of death and many people have differing views as to whether the inquest is still the best way to do that. But in the fundamental nature of the kinds of decisions which we make in our civil courts or in our criminal courts, we adhere very clearly to the kinds of hearings which are our version of judicial in form, in substance and in content.

The rules are designed to allow parties to come before the judicial body to make their presentations in their own way and with their own convictions before the person sitting in judicial capacity. The judge on that occasion takes into account the evidence brought forward on each side by the two contending parties, draws whatever inferences of fact that should be drawn from that evidence, applies the law to it, then exercises the decision which is going to be made. It is known in most circles as being governed by the rule of law.

We think that is the kind of commission we should have in Ontario. It's the only kind we know. It seems odd that we should, at this point in the history of the province, introduce a form of commission which is unknown to us, for which we have seen no draft rules of procedure, for which we have seen no flesh on the skeleton which is introduced by section 107 adduced by the ministry, there is not even an inkling that they understand the problems which are raised by the introduction of such a section. It seems to me this House should very cautiously consider this before they ever adopt a provision such as section 107.

I have a couple of very brief quotations—I happen to have been an admirer of *The History of English Law* by W. S. Holdsworth for a long time. In volume five he deals with the problems which arose with respect to the Star Chamber and the way it conducted its proceedings, and the way in which over the course of time it was in battle with the common law courts, with the common law courts winning the ascendancy.

There are in particular two or three sentences which I think reflect, in language we can all understand, the very concern which



we have about this kind of commission: "Then, as now, the official mind cared more for the working of the system which it had established and for the production of the results which it thought it ought to produce, than for any consideration of justice to the particular individual. Then, as now, the procedure of judicial courts designed to do justice to individuals produced results disconcerting to the official mind."

I am going to repeat it so the minister perhaps will pick it up this time, if he can avoid his usual luncheon-time chitchat. I repeat for the benefit of the minister and his advisers, whose attention we had a great deal of difficulty getting on occasion in committee, what I have now said. I quote again: "Then, as now, the official mind cared more for the working of the system which it had established, and for the production of the results which it thought that it ought to produce, than for any consideration of justice to the particular individual. Then, as now, the procedure of judicial courts designed to do justice to individuals produced results disconcerting to the official mind."

I have a funny feeling that a good deal of the educational process of the members of the committee in listening to the debate in the presentations on this bill was to indicate there still remains in the tenancy of this province a very real concern that in some kind of way this commission will become an adjunct of the very structure of the landlord-tenant relationship which has caused such difficulties in the province over so many times. I say if we are going to move to a new form of commission, I think we should have first of all tried the traditional form.

[1:30]

Perhaps so that the distinction may be somewhat more clear, I would like to quote very briefly from a justice report going to law, a critique of English civil procedure in which there were some comparisons made between the procedure in England and very substantially similar procedures in Ontario, with observations about the differences in these matters. Of course this kind of inquisitorial system which the minister is introducing is part of the French system, it is pretty much their form. I want to draw attention to the distinctions which are made, because they apply to the way in which this commission is going to operate.

In France the procedure of fact-finding and pleading culminates in a hearing or an audience. While that is very similar to ours in general terms, there is a fundamental difference. It is very rare for any findings of fact to be made at the hearing. Investigation and

proof of facts takes place under the guiding hand of the *juge de mises*, the principal judge in the particular case, by means of examinations of witnesses before the judge and reports based on investigations by experts appointed by the court. The record of all these processes, that is the fact-finding, is not normally verbatim. Together with the pleadings or conclusions which continue to be exchanged prior to the hearing, it is compiled into a dossier along with a summary by the judge, and normally forms the whole of the evidence before the court at the hearing upon which the advocates for both sides will base their argument.

The fact-finding devices already mentioned serve the purpose of investigation as well as final proof. One or more witnesses will be called for oral examination by the judge who will have been informed of the issues for which clarification is sought.

The parties' lawyers will normally be present and may suggest questions, but the questions may only actually be put by the judge. Even though a party has called for an inquiry and specified the questions with which the inquiry is to be concerned, this does not prevent the judge from interrogating the witnesses on other matters which he thinks important. He may also call a witness not asked for by either party.

All this points out very clearly that when we introduce into our law a provision which says that at the hearing the commission shall question the parties who are in attendance at the hearing, and any witnesses, with a view to determining the truth concerning the matters in dispute, it is quite clear the commissioner sitting on that commission is the one who will control the whole of those proceedings. He will be able to adopt, if he wishes to so adopt, that dichotomy between the investigation and the fact-finding on which he will hold his hearing, and the hearing will become very short because the facts will have been found by this method, which is not a customary one and indeed is inimical to our system of law.

The minister always squirms a little bit and chatters sotto voce with those at the table when he is really worried about a matter which is of immense concern to the members of the opposition. The whole question before the assembly is whether or not in this bill, for the first time in the history of this province, we are going to depart from the traditional method of ascertaining the truth and institute a new method known as the inquisition method of inquiry. Perhaps in some traditions it has been honed and fashioned in such a way that it meets the sense of those socie-



ties for justice and right, but it is inimical to our proceedings and reinforces the very concerns which were expressed before the committee by the tenants, that somehow or other this institution of government is going to become part of the official bureaucracy, and because of a very lengthy tradition in the province with respect to the imbalance in favour of landlords and against tenants will become part of the very system which requires a constant fight. That has been expressed by many people.

I am really surprised at my own profession—not surprised, because it doesn't usually happen in any event; or if it does happen it's very late in the day—that they didn't at least make some kind of a submission to us with respect to it.

I am very surprised that we were unable to extract from the minister anything related to the kind of process which was involved—nothing to indicate that the commissioner will not take such a hold on the proceedings that he can say to such and such a tenant or such and such a landlord and their representatives, "You just sit down here; I'll conduct the questioning. If you have some questions you want answered, submit them to me and I will ask them if I see fit. In addition to that, I may call some other witnesses of my own in order to question them. And, of course, I will also have the benefit of speaking by telephone and using other means to gain other information which I can use for my particular purpose in controlling the whole of this operation."

With those very brief comments, expressing a very deep concern on my part, which one can discount as the bias of a person brought up in our particular tradition of law to the extent that one wishes to—and I don't mind disclosing my prejudices; it very seldom affects the validity of the arguments I put forward—I just want to say to the minister and to his advisers, and the minister had very good advisers, that this is an area where there has been a total vacuum in the understanding by the members of the committee of what is intended in the nature and the kind of commission we have in front of us.

For those reasons, we are going to vote against section 107 and, consequentially, against sections 108, 109 and section 110(2).

**Hon. Mr. Drea:** Mr. Chairman, I shall make it very short and very sweet. After all the smart remarks, I want a fair amount of attention on this one, because it is going to cause some great delight in the caucus some time later this afternoon.

This bill evolved from a committee that studied a green paper and made, if I recall correctly, 37 recommendations. Some of

those recommendations were dissented from. Number 15 was not dissented from. I want to read number 15: "To assure fairness to unrepresented parties, the proceedings should be directed by officials of the tribunal who can conduct their own examination of witnesses."

I would humbly suggest, before the next harangue about the inquisition, that the honourable member consult with his own caucus as to their thinking about powers and procedures. As is the case with every tribunal bill in this province, the Statutory Powers Procedure Act applies. That is hardly the inquisition, unless the honourable member finds fault with that as well. Sections 10(a), (b) and (c) of the Statutory Powers Procedure Act, which basically involves the rights of parties to counsel, to examine witnesses and so forth at hearings, is quite explicit in this matter.

I want also to draw attention to the fact that, at least as I understood it, one of the overriding concerns of the committee, which heard this bill very exhaustively, was what was to be the protection of either a landlord or a tenant who appeared before the commission and did not have counsel. That is another reason these particular sections are in there.

Finally, I would like to read into the record that all of these things were said by the honourable member on May 29, when he moved this amendment and the series of amendments in committee, and when it was defeated in committee on May 30. The only thing that hasn't been said today was his great eloquence, at great length in any event, on the question of truth or fact or what have you, a very philosophical dissertation. It's exactly the same as occurred on those two days, Mr. Chairman, and I think the result today will be exactly as it was on May 30.

**Mr. Renwick:** I have only one comment and I guess this is the only place that it would be appropriate to say it. One of the things that has bedevilled the bill is that because of the constitutional nature of the division with respect to the appointment of judges the bill has had to be fashioned in such a way as to meet the constitutional requirements and has to that extent been of necessity to disregard some of the protections which ordinary citizens have. I expect and anticipate that there will be a constitutional challenge to this bill at some point in the not too distant future.

**Mr. McGuigan:** If, as the member for Riverdale fears, we're returning to the days



of the Star Chamber—and my history isn't that good to tell me how long ago it is, but it must be 300 to 400 years since we had the Star Chamber—I think in the interval we have adopted a system of democratic government which is, at least in the views of most people, quite responsive to such bad apple situations as the one he outlined.

It seems to me if his worst fears are realized—and I appreciate the history that he's told us about—people will be standing in this chamber and screaming about it and the government just could not live with such a situation. I feel that our times are different and that the remedy, if these fears are realized, lies right here in this Legislature with the opposition parties and with the government party to immediately correct the worst situation that might develop.

**Mr. Chairman:** Any further comments? If the committee is agreeable, to maintain a continuity in the manner in which amendments are placed, I would like to first place the question, shall sections 107, 108 and 109 stand as part of the bill, and then after that the amendment that subsection (2) of section 110 be deleted.

Shall sections 107, 108 and 109 stand as part of the bill?

All those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion the ayes have it.

Sections 107 to 109, inclusive, stacked.

On section 110:

**Mr. Chairman:** Mr. Renwick moves that section 110(2) be deleted from the bill.

All those in favour of Mr. Renwick's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

On section 111:

**Mr. Renwick:** My next amendment is in arrangements made with the member who was in the chair earlier, a section following section 111.

**Mr. Chairman:** That's adding a new section, 111(a).

**Mr. Renwick:** Do you want to deal with the other intervening sections? Or are there any?

**Mr. Chairman:** There are none.

**Mr. Renwick:** There aren't any. We have to deal with 111, I guess.

Section 111 agreed to.

**Mr. Chairman:** Mr. Renwick moves that the bill be amended by adding thereto the following section:

"111(a). (1) No landlord shall evict or attempt to evict a tenant where:

(a) the landlord is in breach of his obligations under the tenancy agreement of this act;

(b) a reason for the eviction is that the tenant has attempted to secure or enforce his legal rights;

(c) a reason for the eviction is that the tenant is a member of an association the primary purpose of which is to secure or enforce legal rights of tenants or that the tenant is attempting to organize such an organization;

"(d) a reason for the eviction is that the rental unit is occupied by children, unless the occupation by the children constitutes overcrowding or unless the residential complex is not suitable for children;

"(e) in the case of a tenant of subsidized public housing the tenant has ceased to meet the qualifications required for occupancy of the rental unit but continues to be in need of subsidized public housing.

"(2) Where on an application by a landlord for an eviction order or by a tenant for rescission of an eviction order, the commission determines that the landlord has evicted or is attempting to evict the tenant for any of the reasons set out in subsection (1) the commission shall refuse to make or shall rescind the eviction order."

[1:45]

**Mr. Renwick:** In the original bill which was before the assembly these clauses—items (a), (b), (c), (d), and (e)—appeared in the bill as subsection (2) of what is now section 111. In the original bill it was section 108(1), which was one section, and then the five itemized headings appeared in section 108(2).

The present section is now section 111, and the new section which I wanted to add as a separate and distinct section is 111a, which I have just moved. We obtained a significant improvement in the operative part of section 108, which was subsection (1), by removing certain restrictive clauses. We now have a clause in section 111, which was just passed, which provides that the commission shall refuse to make an eviction order where the commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

The unfortunate part of the problem was that these very essential protections of the tenant in his accommodation were related to a question of whether there was a determination of whether it was fair or unfair. So far as basic rights are concerned, of course, we always consider that they should be entrenched in such a way as to make certain



that they're not subject to that kind of nebulous distinction about fairness or unfairness in all circumstances. We therefore moved the deletion of section 108(2) and proposed a new section. Unfortunately, the deletion was not accepted; the new section did not pass.

The new section is important in two respects. One is that all of these matters are designed to give a sense of assurance to people living in rented accommodation in the province of Ontario that they can collectively act together. It seems quite a far cry from trade union times, but there was an immense problem about people ever acting together or in concert for any purpose which could be considered to be unlawful or illegal. We've got a kind of a remnant of that still within the philosophy of the province of Ontario. It is absolutely essential that this bill contain provisions which clearly point out to the tenants of this province they cannot be evicted if they're attempting to enforce their rights under the Landlord and Tenant Act, that they cannot be evicted if they are members of an association whose primary purpose is to enforce their rights or that they're attempting to organize such an organization. Those are two very fundamental provisions so far as we are concerned.

We also do not think the tenant should be evicted if, in fact, there is a correlative reason, whatever the reason may be, if the landlord is in breach of his obligation under the tenancy agreement or under the act. We do not think that kind of last-step punishment, that can be meted out under this statute, should take effect when one of the sides, or the opposing side asking for the eviction, comes before the commission with something less than clean hands.

The other item that we believe must be entrenched, is this next question of adult-only buildings, and the problems involved in it—that whole question. We therefore wanted to leave in it the fourth item, which was in the old section 108(2). We also wanted, of course, to put in the fifth item, which relates to the tenants of subsidized public housing to get away from this subtle distinction about the qualifications to get in as distinct for the need to remain once you are in. We fought that battle in committee, and of course we alluded to it when we were dealing with section 55 of the bill.

But the operative provision doesn't rely on anybody's view about what is fair or unfair, and all the circumstances. It simply says that "where on an application by a landlord for an eviction order, or by a tenant for rescission of an eviction order, the commission determines that the landlord has evicted or

is attempting to evict the tenant for any of the reasons set out in subsection (1), the commission shall refuse to make or shall rescind the eviction order."

What could be clearer, Mr. Chairman? What could be so eminently fair? What could be so necessary in our law, as it progresses toward a point in time where this sense of apprehension and concern amongst the people who are tenants in the province needs this kind of assurance from this assembly? Not to have it, in our view, is such a fundamental default in principle by the assembly that we have moved this amendment in the hope that we can get it back into the bill in the proper form again.

**Mr. Mancini:** Mr. Chairman, we have had extensive discussion on Bill 163 in committee. We all know how pressed for time we are today. I am sure all of us, maybe even the member for Riverdale, would like to have the bill passed. But sometimes he goes to such extremes, Mr. Chairman, to prove just how learned he is in the law, that he not only bores all members of the House. He talks about having a bill that is one of common law that everyone in the province of Ontario can understand. Then he drags up all of these historical cases from Europe and England, and every other place imaginable. Anyone who is interested in knowing the position the member for Riverdale took will find it's already in Hansard from the committee that sat since January.

Mr. Chairman, our position is in that Hansard as well and I will say no further.

**Mr. Chairman:** Are there any members wishing to speak further?

The question before the House is the amendment placed by the member for Riverdale, adding a new section 111(a).

Shall the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

Shall this be stacked?

Amendment stacked.

Sections 112 to 116, inclusive, agreed to.

On section 117:

**Mr. Chairman:** Mr. Renwick moves that the following subsections be added to section 117:

"(11) Where the commission makes an order terminating a tenancy in the absence of the tenant, the tenant may within seven days after service apply, ex parte, to the commission who set aside the order.

"(12) The commission may hear an application under subsection (11), notwithstanding the issuance or execution of the writ of pos-



session pursuant to the order terminating the tenancy."

**Mr. Renwick:** It's not often I'm harassed by members of my own caucus. The reasoning behind the first additional subsection is obvious. If there's an order terminating a tenancy made in the absence of a tenant we simply want the tenant to have the right to come back within seven days and make an application to have the order set aside. What could be more reasonable?

**Mr. Martel:** I agree with you.

**Mr. Renwick:** Item 12 would not have been necessary if the particular shady practice of Ontario Housing had not taken place which led to the editorial in the Star and that is—

**Mr. Nixon:** I thought you weren't dealing with rotten apples.

**Mr. Renwick:** —that the application under subsection 11 be available notwithstanding the issuance or execution of the writ of possession pursuant to the order terminating the tenancy. I ask for your support.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment will please say "aye."

All those opposed will please say "nay."  
In my opinion the nays have it.

Amendment stacked.

Section 118 agreed to.

On section 119:

**Mr. Chairman:** Mr. Renwick moves that section 119 of the bill be amended by adding thereto the following subsection:

"(2) Notwithstanding subsection 1, where the commission makes an order terminating a tenancy and evicting a tenant, an appeal from that order shall stay that order pending the hearing of the appeal."

**Mr. Renwick:** This is simply to reverse an odious provision in the bill, which says that in order to have a stay of an eviction order, even though you're going to appeal, you must make an application to a commissioner to get permission to do so. In the dredging case the other day, for example, you found that all you had to do in those cases was to file the appeal and you were released from jail. All we are saying in this particular case is that if there's an eviction order then before that order can be executed there is an automatic stay of it if an appeal is filed by the tenant. We think it is a reversal which should take place.

Again I commend it to my colleagues in the House.

**Mr. Chairman:** All those in favour of Mr. Renwick's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Amendment stacked.

**Mr. Chairman:** Are there any further comments on any other sections? On what section?

**Mr. Warner:** The tenants have lost today.

**Mr. Renwick:** The last section.

Sections 120 to 140, inclusive, agreed to.

On section 141:

**Mr. Renwick:** Just before section 141 passes I would like to do two things. I would like to first of all commend the members of the minister's staff who sat with us and advised us during the course of the hearings. There were a number of them there, but the famous law firm of Kumer, Fram and Beecroft, whose names should not go unrecorded in legislative history, were in all ways patient, informed and skilled in what they tried to do to deflect the obvious amendments that we wanted to place before the committee.

The other point I want to emphasize is that in the learning process all of us are indebted to a number of organizations. I'm going to risk omitting one or two, because I don't necessarily have them all, particularly the legal services which were involved. I refer specifically to the Federation of Metro Tenants' Associations, Metro Tenants' Legal Services, Parkdale Community Legal Services, Neighbourhood Legal Services, the Federation of Ontario Tenants' Associations, Osgoode Hall, Community Learning Awareness Service Program, the Law Union of Ontario and the University of Toronto law professor who is an association in himself, Professor Richard Gathercole.

**Mr. Epp:** Mr. Chairman, I gladly join with the member for Riverdale in commending the officials of not only the Ministry of Consumer and Commercial Relations but also the Ministry of Housing and the other ministries that gave legal advice and service during the 15 months or so this bill has been out in the open, including the previous white paper—which in actual fact was in a red cover as you probably remember.

[2:00]

Without limiting my comments to a few groups who made their presentations, I think it should be remembered there were many tenants' organizations, landlords and interested individuals who made presentations. I think we must have heard about 300 or 400 presentations in the last 15 months on this particular bill. We are grateful for their contribution and the assistance they have



given. I think I can speak on everyone's behalf and say we are glad this thing is finished.

**Mr. McCaffrey:** Mr. Chairman, I just want, in a public way on behalf of all the members of the committee, to pay a much-deserved compliment to the chairman of the standing general government committee.

Interjections.

**Mr. Chairman:** Order.

Section 141 agreed to.

**Mr. Chairman:** A number of votes have been deferred. It is my understanding the vote will take place at approximately 5:50 p.m.

On motion by Hon. Mr. Maeck, the committee of the whole House reported progress.

**Mr. Speaker:** I would like to commend all honourable members for the very excellent spirit of co-operation that has prevailed over the last few days. I hope it will continue for the balance of this session.

#### NEWSPAPER ARTICLE

**Mr. M. Davidson:** On a point of privilege, Mr. Speaker: In today's Toronto Sun a column written by Claire Hoy indicates that we in the New Democratic Party are in favour of assault and threats against workers of the Ontario Workmen's Compensation Board. He goes so far as to say, "intimidation and assault may be justifiable to the NDP, but it certainly shouldn't be to normal people."

Mr. Speaker, I would refer both yourself and Mr. Hoy to the March 27 Hansard of this year, page 357, during the committee hearings for the Workmen's Compensation Board, when the member for Algoma (Mr. Wildman) said: "I would certainly agree, Mr. Chairman, that the employees of the Workmen's Compensation Board should not have to face threats and abusive, profane language."

Mr. Speaker, as usual, Claire Hoy is wrong again.

**Mr. Speaker:** Order. Before I recognize the Minister of Health, I would like to draw to the attention of all members the fact we do have a very distinguished guest, Sir Billy Snedden, who is the Speaker of the Parliament of Australia. He joined us for lunch and we learned he is a very knowledgeable parliamentarian. We are so pleased to have him, accompanied by Lady Snedden, in our gallery. Will you welcome them please.

#### STATEMENTS BY THE MINISTRY

##### HEALTH SERVICES

**Hon. Mr. Timbrell:** Mr. Speaker, I am very pleased to be able to table today a copy of

a new agreement signed this morning between the government of Ontario and the Ontario Medical Association.

**Mr. Martel:** Beautiful timing. I want to congratulate you on that one.

**Hon. Mr. Timbrell:** As members will see, this new agreement provides a unique arrangement for determining future benefits provided under OHIP for medical services in Ontario. Under this agreement, the ministry and the OMA will each appoint three members of a committee to negotiate the overall increase in future agreements between the government and the medical profession. The unique feature I referred to is in the appointment of a chairman who will have power to act as a fact finder.

Now that this agreement has been signed, I expect to announce the name of the chairman within a few days. The committee can begin negotiations immediately afterwards, working towards a new agreement for the coming year.

[While the chairman will not have a vote on the committee, he or she will be able to assist and guide the committee in areas of disagreement during negotiations. In the event of an impasse, the chairman can be asked by either party to take on the fact finder role to help the two parties to a mutually acceptable level of compensation. His or her report, which must be completed within three weeks, becomes the basis for resumed negotiations. Thus there is no prolonged delay and the report can be made public on reasonable notice by either the government or the OMA. I am optimistic, sir, that this process will go a long way to ameliorating the concerns of the profession in Ontario.]

This agreement is a reflection of the high level of trust and co-operation between the government and the medical profession in Ontario, who share a common goal of maintaining the high level of health care we all enjoy in this province.

#### PUBLIC SERVICE DENTAL PLAN

**Hon. Mr. McCague:** Mr. Speaker, on April 20 members were advised that a settlement had been reached in negotiations between the government and Ontario Public Service Employees Union. The settlement included a dental plan which provides for basic dental health care, as well as some additional services. The plan will pay for 50 per cent of services covered and the employee will pay the remaining 50 per cent. The same benefits were negotiated with the OPP bargaining group and have been made available to em-



employees in management positions and employees excluded from the bargaining unit.

In accordance with standard government practice, public tenders were called for the underwriting and administration of the plan based on specifications drawn up with the assistance of private sector consultants specializing in this field. Quotations received from nine companies were analysed by the joint insurance benefits review committee composed of representatives from the government and OPSEU with the assistance of the consultants. Two companies with the best bids were interviewed by the committee, which unanimously agreed that the Great West Life Assurance Company could provide the required coverage at the lowest long-term net cost, and accordingly recommended to the government that this company be selected as the carrier.

The government has approved the recommendation made by the committee and the contract has been awarded to Great West Life Assurance Company. The dental plan will come into effect on July 1, 1979.

#### CIVIL SERVICE COMMISSION REPORT

**Hon. Mr. McCague:** Later this afternoon I will be tabling the report of the Civil Service Commission for the fiscal year 1978-79. I would like to take this opportunity to note that our latest figures of total staff strength reflect this government's continuing efforts to reduce the growth of the public sector.

During the fiscal year there has been virtually no growth in the classified staff. In terms of the total public service, the figures show an actual reduction of 668 staff between March 1978 and March 1979.

#### VIETNAMESE REFUGEES

**Hon. Mr. Baetz:** I would like to take this opportunity to bring honourable members up to date on the Vietnamese refugee situation and my ministry's part in it.

As honourable members know, one of the most infamous acts of racism in contemporary times is being prepared in Vietnam at this moment.

Vietnamese authorities are forcing some of their countrymen, mostly ethnic Chinese, to leave Vietnam. The ethnic Chinese, of course, are people whose genetic roots lie in China but who are Vietnamese nationals. Some ethnic Chinese families have been settled in Vietnam for three generations.

It has been estimated during the last year 500,000 refugees have either fled Vietnam or

been expelled from the country. To this day it is estimated that 3,000 are leaving every 24 hours. We believe that more than half of them are dying in the process.

As members know, the government of Canada, in consultation with us and the other provinces, has undertaken to accept up to 7,000 refugees from southeast Asia during this year. We estimate that half of these men, women and children will settle here in Ontario. Once they get here my ministry, along with local school boards and the federal immigration department, is responsible for helping them get settled.

The job, of course, started last November when the first refugees from the freighter Hai Hong, "the boat people," started arriving in Ontario. Since the Hai Hong incident, the federal immigration department estimates 3,600 Vietnamese refugees have come to Canada. More than 1,500 have settled here in Ontario, and more than half of them—842—have settled here in Metropolitan Toronto. We are encouraging communities all over the province to help, and they are helping.

My ministry helps these refugees in two ways. First, our own excellent staff at the Toronto International Airport and at such facilities as Ontario Welcome House helps them directly. Second, and more important, we provide financial and professional help to such community organizations as the Vietnamese Fraternal Association and the Ottawa-Carleton Immigrant Services Organization. I say this help to community organizations is more important than our direct help, because the initial settlement of the refugees is their first step on the road to becoming full and equal citizens. They are settling in communities—Toronto, Ottawa, Hamilton, London, Windsor; if the people of those communities help them settle in the first place, they will know each other as neighbours and their communities will be the better for it.

Everybody who is helping the refugees to settle is aiming to help them in very basic, practical ways. At Welcome House in Toronto, for instance, they find warm human contact with people who speak their own language, people ready to meet whatever their immediate needs might be: we teach them how to use public transit; we show them how to shop; we show them how to use a stove; we have a clothing depot; we have English classes and a pre-school nursery.

**Mr. McClellan:** Bully for you.

**Hon. Mr. Baetz:** The people of Ontario, through their own voluntary efforts, through community organizations, and through their Ministry of Culture and Recreation, have been



helping the Vietnamese refugees since last November. I am happy to report that our efforts seem to be bearing fruit. There are all kinds of encouraging stories.

One of the most encouraging is the way employable men and women have been finding work. We estimate, for example, that more than 200 refugees from the Hai Hong have settled in Metropolitan Toronto. My officials tell me that two out of every three employable men and women in this group have jobs. The other one third are immersed in training programs that we feel confident will lead them to jobs too. Overall, though, I would say the one thing that encourages me the most is the way all sectors of the community at large are welcoming and accepting these refugees.

It is all too easy for us to get caught up in our own modest efforts and lose sight of the frustrating reality that we can offer only a tiny portion of the help that these refugees need worldwide. Nevertheless, we are confident we have the people and the experience to do our part, today and tomorrow.

## ORAL QUESTIONS

### GAS AND OIL PRICES

**Mr. S. Smith:** Mr. Speaker, I would like to raise a question with the Minister of Energy concerning the agreement which was apparently reached between the federal and Alberta governments yesterday on natural gas prices whereby the natural gas prices to Ontario consumers are apparently to go up about 15 cents per 1,000 cubic feet after August 1.

Can the minister explain why he or his representative was not present at that meeting in Ottawa, in view of his statement to this House on December 1, 1978, in discussing the matter of natural gas, when he said: "I have made it very clear to both the federal and Alberta ministers of energy that Ontario expects to be involved in any discussions on matters which might impinge on the interests of the consumers in this province"?

Does the government continue to take the position, which I feel they should take, that natural gas prices do not have to go up with oil prices; that they should be unhinged; and that, given the so-called surplus of natural gas that exists, there is no particular reason for consumers in Ontario to go unprotected in this way?

**Hon. Mr. Auld:** Mr. Speaker, as I mentioned in the House on Tuesday, I think I said I had been talking to the Minister of Energy for Alberta, who indicated that there was no proposal on the part of Alberta to

alter the agreement which Alberta had made with the government of Canada earlier this year and which called for a \$1 per-barrel increase effective July 1 and another \$1 per-barrel increase on January 1, 1980.

**Mr. S. Smith:** That's oil. What about natural gas?

[2:15]

**Hon. Mr. Auld:** Gas was included in that as 85 per cent of the price of oil. Natural gas would rise by the same proportion since the price of natural gas is pegged at 85 per cent of the equivalent price in oil. I had been talking with the Minister of Energy, Mines and Resources of Canada earlier that day, Tuesday, on the telephone, and he had indicated they had no plan to attempt to renegotiate the agreement; in other words, both governments considered the agreement negotiated some time ago to still be in effect.

I would say to the Leader of the Opposition it's rather interesting to see where we stand as far as oil and gas prices are concerned in Canada compared to the United States and to the world price.

**Mr. Bradley:** You didn't say that two months ago.

**Hon. Mr. Auld:** As of July 1, after this additional \$1 per barrel, the price in Canada will still be about \$2.50 below the Chicago price. Depending on what price one takes these days, the world price in some places is, somewhere between \$20 and \$30 per barrel.

The province has consistently taken the position that the price in Canada of oil and natural gas should not be the world price, it should be a price related to the needs of Canada in Canada, and the need for a sufficient incentive to the companies to continue exploration. In fact we felt this is the only way we would reach self-sufficiency, the target which Ontario has consistently said could be reached in 1995.

We did not agree or disagree with the agreement made by Alberta and Canada, although we said we did not think the increase they were proposing at that time was warranted.

**Mr. S. Smith:** By way of supplementary: Since the question pertains to natural gas, would the minister not agree that given the large amounts of natural gas apparently available within this country, there is no reason for natural gas prices to go up just because oil prices have been raised on the international scene? Almost one year ago to the day, when I expressed the very same opinion, the Minister of Energy at the time (Mr. Baetz), said: "We have on a number of occasions, in as forceful a way as we can, pro-



posed to the federal government and the government of Alberta the price of natural gas and oil should no longer continue in lock-step, but so far with no success whatsoever." Deaf ears, he said, just stonewalling.

He referred to our friends in Ottawa; now that they're the minister's friends in Ottawa, would he say whether they are likely to dislodge the two prices and allow natural gas to remain—

**Mr. Havrot:** You have no friends, anywhere.

**Mr. S. Smith:** —at an advantageous price for the consumers of Ontario, despite what is happening to the price of oil?

**Mr. Breithaupt:** The way you wanted it before.

**Hon. Mr. Auld:** Mr. Speaker, I am so delighted with the change that has taken place in Ottawa that I'm almost speechless. I'm almost unable to answer that question.

**Mr. Kerrio:** And you have a man with a brain in opposition.

**Hon. Mr. Auld:** I expect to be meeting the Minister of Mines, Energy and Resources in a very short time. One of the matters we will be discussing, no doubt, is the pricing of gas. We will be discussing that.

**Mr. Cassidy:** Supplementary, Mr. Speaker: Does the government of this province find what the present Conservative government of Canada is doing with regards to the oil and gas prices acceptable now, given it found it was deplorable carried out by the Liberal government that was in office up until a few weeks ago?

**Hon. Mr. Auld:** Mr. Speaker, I said again on Tuesday, in answer to a different question, that I believed an agreement was an agreement. I think the Liberal government of Canada made an agreement, and the present Conservative government has decided to honour it.

**Mr. Kerrio:** They haven't honoured anything else.

**Mr. Bradley:** It's the first thing they've honoured so far.

**Hon. Mr. Auld:** As I mentioned a moment ago, I'm not any more excited about the agreement now than I was when it was negotiated. But I do believe they should be consistent.

**Mr. J. Reed:** Does the minister have a position on the unhinging of the natural gas price as it relates to oil prices?

**Hon. Mr. Auld:** I'm sorry, I missed the beginning of that.

**Mr. Kerrio:** He's got two or three.

**Mr. S. Smith:** "Do you have a position," he asked, "on the unhinging of oil and gas prices?"

**Ms. Gigantes:** He's unhinged.

**Hon. Mr. Auld:** My position is very little different from that of my immediate predecessor.

**Mr. Roy:** Yes? What is that?

**Hon. Mr. Auld:** The Leader of the Opposition just read it.

**Mr. S. Smith:** What is the very little difference?

**Mr. Breithaupt:** And which predecessor?

#### DEATH OF ANDREW STUPARICK

**Hon. Mr. Davis:** Mr. Speaker, it is with very great regret that I inform the members of the House I have just learned that Andrew Stuparick, who is well known to all of us in this House, has in a very recent few moments passed on, I believe from a heart attack. I would like to express the sympathies of members of the House to his family. I was just informed of this a moment or two ago and thought other members would like to know of this very tragic event.

**Mr. S. Smith:** Of course, that kind of information tends to stun one, and I can appreciate the Premier's feeling on having conveyed this unfortunate news to the House. I want only to express our regret and our sympathy to members of the Stuparick family and to say that Mr. Stuparick has served both media and the Legislature for many years; it is with sorrow that we learn of these very tragic circumstances.

**Mr. Cassidy:** I would simply like to add, on behalf of my party, an expression of our sympathy and our condolences with the family on the very sudden death of Mr. Stuparick, a man who had worked for a long time in the public service of Ontario and in this Legislature, and I trust that message will be conveyed to his family.

#### WINTARIO

**Mr. S. Smith:** I would like to ask a question of the minister's predecessor in his present position—

**Mr. Breithaupt:** Re-incarnation.

**Mr. S. Smith:** —as Minister of Culture and Recreation.

**Mr. Conway:** Oh, that predecessor.

**Mr. S. Smith:** Can he explain why he has found it necessary to mount a campaign across the province of Ontario against his fellow cabinet ministers, who it would ap-



pear from this document are in search of his Wintario money?

Let me read to you, Mr. Speaker, a memo to the council of the township of Kingston from their parks and recreation director, who speaks of the keynote speech given to recreation people from the various municipalities of Ontario:

"Mr. Baetz expressed serious concerns to the delegates relative to the future of Wintario. These were in direct response to some pressures that had been applied by several other ministries in the provincial government requesting accessibility to Wintario funds."

**Mr. Martel:** Why aren't other people allowed that privilege, why can't we all do it like that?

**Mr. S. Smith:** "Mr. Baetz asked the delegates to assist him in obtaining municipal support for retaining their Wintario lottery within the structure of his ministry."

**Mr. Speaker:** Question?

**Mr. S. Smith:** One more sentence, please. "He said the Ministry of Health is one of the provincial ministries that have requested access to the Wintario funds."

May I ask the minister if he recalls making that speech? What other ministries are after his funds, and why has it come to the point where the cabinet take their battles across Ontario?

**Mr. Martel:** The rest of us get cut off.

**Mr. Nixon:** Who would do a thing like that?

**Hon. Mr. Baetz:** Mr. Speaker, I don't recall that speech in detail.

**Mr. Nixon:** When are you taking over Correctional Services?

Interjections.

**Mr. Breaugh:** Playing games; name him, Reuben.

**Hon. Mr. Baetz:** Do members want to hear my answer? All I can say is that every minister on this side is out there working for his ministry. We are convinced that what we are doing is the best thing.

Interjections.

**Mrs. Campbell:** Where are the other ministers?

**Hon. Mr. Baetz:** We are very active and very much aware of what is going on. I make no apologies for going out and preaching on the highways and byways to anybody who will listen that we need funds for health—

**Mr. M. Davidson:** Talk about backing off.

Interjections.

**Mr. Breaugh:** Come on, be a man; don't back off.

**Mr. Warner:** Tell us about Wiseman.

**Hon. Mr. Baetz:** Yes, health too. For recreation, culture, sport, and for everything else. I don't make any apologies for that.

**Mr. Breithaupt:** You had better preach to them, not to this Legislature.

**Hon. Mr. Baetz:** I have no apologies whatever.

**Mr. S. Smith:** By way of a supplementary, since the minister may not be aware of a quaint tradition called cabinet solidarity, is he telling us there is now a new style in which the Minister of the Environment (Mr. Auld) calls for one date for Reed Paper, the Minister of Northern Affairs (Mr. Bernier) for another, and the Treasurer has yet other advice with regard to the matter? The Attorney General (Mr. McMurtry) seeks money for more policemen and goes to the public forum. What is happening at cabinet meetings? Did you ask the Premier (Mr. Davis) for permission to go on this province-wide campaign on behalf of your ministry?

**Hon. Mr. Baetz:** Mr. Speaker, I was simply exhorting the recreation and culture workers in communities, who I know are convinced of the value of their work, to tell the whole world about it. People who work in the culture and recreation fields are very often very self-effacing, very modest people and are afraid to tell the whole world what they are doing and what their needs are.

**Mr. Bradley:** Including your cabinet friends.

**Mr. Peterson:** If I were you I would be modest too.

**Mr. Havrot:** Tell us about your solidarity in your party.

**Hon. Mr. Baetz:** I simply told them to get on with the job, be articulate; tell everybody what they are doing and what their needs are. I don't think I need to apologize as a minister for that kind of stance at all.

Interjections.

**Mr. S. Smith:** What other ministries are benefiting?

**Hon. Mr. Baetz:** That has nothing to do with cabinet solidarity whatsoever. I'm all for the Ministry of Health.

**Mr. Roy:** I have a supplementary to my leader's question: I ask the honourable minister if in his continuing crusade and battle against his cabinet colleagues, is it part of his strategy to try to enlist the support of all the members of the Legislature in the



fight against them, and is this the reason he is sending out questionnaires about whether or not he has the support of members about various activities—

**Mr. Havrot:** Yes, we are very dedicated.

**Mr. Roy:** —and that in fact, as I understand it, some of his local people are approaching local members of the Legislature about support for some of his programs? Is that part of the overall strategy to counter the pressure he is getting from cabinet?

**Hon. Mr. Baetz:** First of all, let me reiterate there is no fight against, I am fighting for. I am fighting for more funds for the field of recreation and sports and culture. But to go to the member's immediate question, the only reason we sent out the questionnaire, which deals with the new priorities and new guidelines for Wintario, is because his party asked us to do that. They wanted to be involved in this thing.

**Mr. Roy:** We will help you get them.

Interjections.

**Hon. Mr. Baetz:** So come next fall, if they turn their backs on that questionnaire and don't want it being reviewed and don't want to be involved in setting up these new guidelines and priorities, they can be my guests; but I don't want to hear them complain next fall when we come back here and say here are the new guidelines, I don't want them to sit there like bumps on a log saying, "Why weren't we a part of the whole decision?"

### HEALTH SERVICES

**Mr. Cassidy:** I have a question to the Minister of Health arising out of the announcement of the agreement with the OMA that there would be negotiation of fees. Since the future revisions of the OHIP fee schedule are to be made with the consent of the OMA, and since the OMA is to be made the sole negotiator on behalf of the physicians of Ontario with regard to that fee schedule, can the minister say whether all doctors in the province will be required to adhere to the fee schedule which is negotiated with the OMA, or does the government intend to continue to let doctors who opt out charge substantial extra fees to people who have already paid for the health care through their OHIP premiums?

**Hon. Mr. Timbrell:** We intend to retain the system which has served this province very well for the last number of years, including this year. The schedule of benefits that will result from the negotiations, and which I am optimistic, as I said in the statement, will go

a long way to ameliorating the concerns of the profession that have been evidenced in the last year or so, will apply to the claims coming from the 82.2 per cent of physicians who opt in all of their claims and to those claims coming from opted-out physicians which are opted in through billing groups, and will apply to the reimbursement of patients who are directly billed.

**Mr. Cassidy:** Supplementary: Can the minister explain why it is that when a trade union acts as the sole negotiator for a group of employees in this province, including some employees who may not even be members of that particular trade union, every person in that bargaining unit is expected to adhere to the agreement which has been reached between that union and its employer? Why is it that is the case under the Labour Relations Act of Ontario, but here, where the OMA is acting as the sole negotiator for the doctors of Ontario, the loophole is left in the agreement in order to allow doctors who opt out to double-bill patients, including some patients who simply can't afford it?

[2:30]

**Hon. Mr. Timbrell:** First of all, Mr. Speaker, I think the honourable member, in phrasing his question, has answered it. The key thing is they are not employees. We're talking about a health insurance plan, we're not talking about a master-servant or employer-employee relationship. The doctors do not work for the government of Ontario, they work for the people of Ontario as professionals.

**Mr. Conway:** I understood the honourable Minister of Health to indicate to the member for Ottawa Centre that this is not a binding negotiation; and indeed the parties, the OMA in particular, will not be bound to the negotiations that are concluded. If that is what he said to the leader of the New Democratic Party, can he indicate what he thinks so unique about having a fact finder? Of what possible import are the facts that are likely to be found if, indeed, they are not to weigh in a binding way upon the parties involved?

**Hon. Mr. Timbrell:** Mr. Speaker, as the honourable member knows, and it's no surprise to the members of the House, there is a great deal of concern among members of the profession that the way the previous system worked was in some way stacked against the profession. We can recognize the fact that for three years we were bound by the terms of the Anti-Inflation Board, and in fact could negotiate nothing more than the distribution of an average maximum increase. Prior to the introduction of the AIB, there



was one year when there was no increase in the schedule.

To take account of the fact there is concern about the process, a concern that the process be a fair one, and be seen to be fair in exploring all of the arguments advanced by organized medicine on behalf of their members, we have developed that aspect of the agreement to provide that the chairman, at the request of either party, may during a three-week period assume the function of a fact finder and present to the negotiating committee his or her conclusions based on that in-depth investigation, which report can, at the initiation of either of the parties, eventually be made public.

I think that is rather unique, not only unique to Ontario, but as far as I know it's unique in Canada.

**Mr. Warner:** Since the government now appears to be relenting on its attack on the health-care system, does the minister intend, through this new procedure, to seriously put forward the suggestion, which was unanimously agreed to by the select committee on health-care costs in its procedure, to negotiate with the doctors?

Since the minister didn't actively take part in the debate, perhaps I could refresh his memory. That commitment agreed to by the select committee was a multi-year contract based on a fee consistent with the utilization rate in the province of Ontario. Will he now seriously put forward that proposal which had been agreed to by the Conservative members, as well as ourselves and the Liberals?

**Hon. Mr. Timbrell:** I don't recall the multi-year aspect to it, I could be wrong, of course, but I don't recall that was in that recommendation.

**Mr. Warner:** It was for more than one year.

**Hon. Mr. Timbrell:** I do recall the concern being expressed by the committee about the question of utilization. In fact, when I appeared at the committee on September 15, 1978, we discussed this question of utilization, not just about physicians' services but any number of extraneous services pertaining to medicine. I expect the whole question of utilization is one which will continue to occupy a great deal of our time in the discussions between organized medicine and the government.

As the member knows, I have expressed some concerns about that particular system as to whether it does provide an incentive to remove unnecessary utilization. The whole question of utilization is one which is occupying a great deal of our time and will continue to do so, I'm sure.

**Mr. Conway:** Could the minister tell us what we are to do about the implication which would leave us with the impression there really are two parties involved, the government and the Ontario Medical Association, which we know to be inaccurate inasmuch as there are really three groups? There is the opted-in physician and the opted-out physician. What can be done? What does the minister suggest might be done to deal with this anomalous condition which has people coming to a negotiating table who have, from the very beginning, repudiated the very thing he's trying to negotiate? Has he given any consideration to treating those physicians who have in significant majority numbers accepted OHIP at the negotiating table, in a different way from those who have from the very beginning repudiated this system for all the things they have alleged?

**Mr. Nixon:** Like the Minister of Education.

**Hon. Mr. Timbrell:** No, and I might ask the honourable member to tell me what is the position of his party? I have before me a speech given yesterday by the honourable Leader of the Opposition and a press clipping from today that suggests one position, and I have a press release from around one o'clock that suggests another position. I don't know where his party stands.

**Mr. Warner:** That's normal.

**Mr. Martel:** What else is new?

**Hon. Mr. Timbrell:** The three documents leave one wondering just what is going on.

**Mr. Breithaupt:** You can ask us questions.

**Mr. Martel:** There will be a third position this afternoon.

**Hon. Mr. Timbrell:** It bears repeating: I really don't anticipate that is going to happen, I really don't; not in my lifetime.

**Mr. Martel:** There will be a third position in an hour.

**Hon. Mr. Timbrell:** It bears pointing out that in the last four months we have had a stabilization in the question of opting out. As I indicated many months ago, I anticipated that with the expiration of the Anti-Inflation Board we would see evidence of an increase in the numbers and the percentage of physicians opted-out as the fiscal year ends came up after the effective date of April 14, 1978.

**Mr. S. Smith:** There was a 40 per cent difference between OHIP and OMA.

**Hon. Mr. Timbrell:** I am pleased to say that has stabilized over the last four months. In fact, at the end of April the percentage and the number of physicians opted-out declined for the first time in a year and a half. I am optimistic, as I have said, that this



process and the result of this process will have a very positive effect on that question.

**Mr. Cassidy:** Mr. Speaker, can the minister explain why, when the Ministry of Health sat down with the doctors in order to establish this bargaining framework, it was not the number one priority of this government to ensure that before this negotiating agreement was set up the doctors would agree that every doctor in Ontario in fact would adhere to the fee schedule decided by this new negotiating framework? In other words, why wasn't it the minister's priority to ensure that no one in this province should pay extra to get insured medical services in the province of Ontario?

**Hon. Mr. Timbrell:** It is my objective to preserve the rights of the people and the rights of the profession.

**Mr. Martel:** The right to pay.

**Hon. Mr. Timbrell:** The Ontario Medical Association has no more right than I have under the present law to force every doctor to opt into the plan.

**Mr. Martel:** You're so weak-kneed.

#### HOSPITAL BED ALLOCATIONS

**Mr. Cassidy:** Mr. Speaker, I have another question to the Minister of Health, arising out of the report of the standing committee on social development, which was prepared yesterday after the committee's 12 days of inquiry into hospital cutbacks across the province. Is the minister prepared to accept the recommendation of that standing committee that there should be no further cutbacks in active-treatment hospital beds across the province until alternative facilities are available in the community, and is the minister prepared to accept that committee's recommendation there should be an appeal process to which hospitals can go in order to have a means of establishing the facts about cutbacks being imposed by the ministry?

**Mr. Pope:** It hasn't been filed yet.

**Hon. Mr. Timbrell:** I am looking forward to the time—I had hoped it would be in this session but I am told it won't be until the fall session now—when we will have a chance to discuss the whole of the report. I understand my colleagues from this side of the House are going to file a dissenting report with respect to several items when the main body of the report is filed today.

Let me deal first of all with the question of the beds. I have said to the member on a number of occasions, and I believe this very strongly, that we in Ontario today, looking at the total range of beds, all the types of

beds available to us, approximately 80,000, have approximately the right number of beds necessary to serve our needs in this province. However, one has to recognize the health needs of the province have changed. I am thinking particularly of the vastly lower birth rate in the province and the tremendous increase in the numbers and the percentage of the population who are aged.

**Mr. McClellan:** Just keep saying that.

**Hon. Mr. Timbrell:** Therefore, the health needs of the province have changed.

**Mr. Peterson:** You are neither young nor fertile.

**Hon. Mr. Timbrell:** It was accepted time and time again by people appearing before the committee from hospitals, as well as from professional groups and from private sector consulting groups, that the resources have to be reordered from time to time to take account of those changes.

**Mr. S. Smith:** We need more hospitals, not fewer.

**Hon. Mr. Timbrell:** In fact from time to time there will be more hospitals. If the Leader of the Opposition would like me to read into the record the list of new hospitals and additions to hospitals—

**Mr. S. Smith:** I said the elderly need more hospitals, not fewer.

**Hon. Mr. Timbrell:** —replacements, new units, new services, that have been approved just in my time as minister, I would be glad to do it, but the Speaker would rule me out of order because it would take about half an hour.

**Mr. S. Smith:** You're making an argument for more beds.

**Hon. Mr. Timbrell:** I'll read it just as quickly as I used to before I took lessons.

**Hon. Miss Stephenson:** Stuart, look at the information.

**An hon. member:** Twenty more beds in York North.

**Hon. Mr. Timbrell:** Mr. Speaker, with respect to the question of appeals.

**Mr. S. Smith:** I'll drive you to distraction.

**Hon. Mr. Timbrell:** Oh, no.

**Hon. Miss Stephenson:** You would drive anyone, including me, to distraction.

**Mr. Van Horne:** I hope it is not a long trip, Bette.

**Hon. Miss Stephenson:** It is a much longer trip, Van Horne, for you.

**Mr. Speaker:** Ignore the interjections please.

**Hon. Mr. Timbrell:** An appeal mechanism is now in place within the Ministry of Health



which has worked very well this year and last. We have found throughout the years we are able, where needs are identified, justified and documented, to sort out problems. I have expressed concern to the committee and to certain of the media, and I will express concern here; I don't think this Legislature and this executive branch of this government can turn over, in effect, responsibility for \$6 million a day in public expenditures to somebody external to the government. I think that would be an abrogation of the responsibilities of an elected parliament and an executive council.

**Mr. Cassidy:** Supplementary: In view of the difficulties communities have had, such as Timmins and Wingham and Goderich, will the minister not agree to the creation of an independent and accessible appeal process to which communities and community hospitals can go and get a public review of the cutbacks being imposed by the ministry, rather than simply retaining an in-house, behind closed doors appeal process within the ministry, which is all that's available right now? Why won't the minister bring that appeal process out into the open where the findings can be made public and people can then judge whether or not the ministry is prepared to act accordingly?

**Hon. Mr. Timbrell:** Mr. Speaker, I have found that the findings are made public faster than you would expect any regulatory body to make them public. Every time we meet with these hospitals to work out their problems we do convey in writing the conclusion of our meetings and—

**Mr. Warner:** Then the public has to take you to court.

**Hon. Mr. Timbrell:** —those things are sometimes made public before the letter is even received.

**Mr. Warner:** It is the only way to get decent health care; they have to take you to court.

**Hon. Mr. Timbrell:** If members really want to pursue that line of reasoning, what they are talking about, to be fair to the public who are paying that \$6 million bill per day, is that they want to set up a rate-setting commission such as they have in many of the United States, that could also cut budgets.

**Mr. McClellan:** There you go, you are being silly again.

**Mr. Cassidy:** We want your decisions to be subject to review.

**Hon. Mr. Timbrell:** They are, right here.

**Mr. Conway:** My supplementary concerns recommendation 7 of that report. The evidence left with the committee seemed to indicate the small hospital sector in this province was being more particularly and more negatively affected by the restraint program. Can the minister give this House an assurance at this time that that recommendation, calling as it does for an indefinite extension of the 10-bed cushion, will in fact obtain? Can the minister assume that the small hospitals, so seriously and so negatively affected, can and will see that as at least one small ray of hope against a budget-cut program which in many cases threatens their very existence?

**Hon. Mr. Timbrell:** That is being given very serious consideration. The work has already begun with such groups as the hospitals on the north shore. The member was good enough to organize a meeting four or five weeks ago with groups from the hospital at Palmerston and various other places around the province. It is my goal to ensure we develop a mechanism to agree with each hospital on the minimum size necessary for them to be financially viable and to meet the acute and chronic health-care needs in their communities.

**Mr. Breaugh:** In particular reference to the recommendation for an appeals body, why is the ministry so afraid the public of Ontario will find out what actually is the situation with any given hospital board? Are you endorsing the course of action taken by Windsor Metropolitan General Hospital that a hospital board's only means of preparing their case publicly is to go before a court? Is that what the minister wants?

**Hon. Mr. Timbrell:** First of all, the matter of the court proceedings will be dealt with, I hope, within a matter of days. We will get back into that forum and argue it where it should be argued, namely before the supreme court.

**Mr. Breaugh:** That's what you want, you want it there.

**Hon. Mr. Timbrell:** No, we didn't bring the application. We didn't bring the application.

**Ms. Gigantes:** You're afraid.

**Mr. Warner:** You forced it because of your cruel cutbacks.

**Mr. McClellan:** Set up an appeal process.

**Mr. Breaugh:** You like that.

**Hon. Mr. Timbrell:** No, but I can tell you do; you are almost salivating over it.

**Mr. Warner:** I will drool my way out of here.



**Hon. Mr. Timbrell:** Regarding the matter of public information I would point out to you again that unlike the system embodied in your paper of last July, the board of every public hospital in this province is elected by the membership and accountable to the community in that area. What is more, through that board and through this minister and the ministry, any information on hospital budgets, the total amount and the distribution, can be obtained.

**Mr. Speaker:** The Minister of the Environment has the answer to two questions asked previously.

[2:45]

### FLUORIDE POISONING

**Hon. Mr. Parrott:** Mr. Speaker, as requested on June 14, I am today tabling a report on fluoride levels in the Cornwall area. The report gives detailed information on levels of fluoride recorded at our monitoring stations in the area and describes our interaction with the federal government on this issue. It will be noted in the report that to date there are no indications of human health problems as a result of fluoride emissions. The government will continue to monitor the situation.

**Mr. Samis:** Supplementary: Since the methodology of the Department of Health and Welfare study is certainly suspect, since the International Joint Commission report emphasizes the study was only preliminary and since the reports from the chief of dental services of the US Branch of Indian Health Services says, "A definite problem exists with fluorosis among children from Cornwall Island," doesn't the minister think he should be ordering a further health study at once, since there is clear evidence there is a problem and previous Canadian studies were totally inadequate? Also, can the minister tell us why he has not yet got the American health report which the National Indian Brotherhood has had for some time?

**Hon. Mr. Parrott:** I would like to comment very briefly on fluorosis. I noticed that one portion of that report indicated that the officer of health suggested there was no evidence. The reason I think that is important is that normally excessive fluoride intake in the human body is early evidenced in the dental enamel of teeth. That he had not seen any such evidence is a strong indication the intake to the human body is well within normal limits.

As for receiving the other reports, we will continue to do as we have in the past, namely,

try to obtain those reports. Since they are from the other side of the US-Ontario boundary we are having some difficulties, but in due course I am sure they will be here.

**Mr. Riddell:** Supplementary: Has the ministry done any testing on either crop or livestock products to see if there are any signs of the fluoride substance in milk or any of the crops we consume?

**Hon. Mr. Parrott:** The honourable member will notice when he reads all the information contained therein that we are asking the Ministry of Agriculture and Food to give us more expert advice on that particular aspect of it. However, I think the honourable member will also note there has been no indication to date of an excessive number—let me rephrase that: I think they are saying there is no evidence of an increased number of deaths due to fluorosis or the conditions of fluorosis in animals. In other words they feel that the animal health is okay. I am referring that to the Ministry of Agriculture and Food to get some more expert advice on that subject. That is covered in the report.

### NANTICOKE CONTRACT

**Hon. Mr. Parrott:** In response to questions raised earlier this month concerning a tender submitted to the Ministry of the Environment by Canadian Applied Technology, I am tabling today a detailed response which outlines fully the reasons the firm in question was unsuccessful in obtaining the Nanticoke contract.

Honourable members will note that the information is 20 pages long and contains the information requested by the company itself in a form of a letter addressed to it. The original letter was delivered to Canadian Applied Technology earlier today, and I have its written permission to table it in the House.

### SALES TAX EXEMPTION

**Mr. Peterson:** I have a question of the Minister of Revenue. Why is the minister not prepared to grant an exemption under section 7 of the Retail Sales Tax Act to the Parent Participation Pre-school Association in Ontario?

**Hon. Mr. Maeck:** That is a matter that has been brought to my attention on several occasions. Power to grant that particular exemption is not in the act; it would require ministerial exemption.

**Mr. Laughren:** That's you.

**Mr. S. Smith:** That is who you are.

**Hon. Mr. Maeck:** At this point in time, I am not prepared to grant that. We have



looked into the situation and we see no necessity for granting an exemption to the schools.

**Mr. Peterson:** Why not?

**Hon. Mr. Maeck:** Simply because we do not see the need for it.

**Mr. Peterson:** In view of the fact a number of these schools involve a cross-section of people in the community who are volunteers, people working with their children who want to give them some kind of pre-school education; in view of the fact also that the total sum in lost revenue, last year for example would be about \$14,000 or \$15,000—a mere drop in the bucket for the minister, not even coffee money for some ministers, not even cigar money for the Premier, but of very great importance to the great number of volunteers working with the young people.

**Mr. Roy:** Cheapskate.

**Mr. Laughren:** Liberal restraint package.

**Hon. Mr. Davis:** I haven't had a cigar for a year and a half.

**Mr. Peterson:** Why won't the minister, out of the goodness of his heart, now consider that, because it is important to so many people and yet insignificant to him? I hope the minister will please consider that.

**Hon. Mr. Maeck:** I am not unsympathetic to the member's request, but he must remember there are many schools in the province. If we are going to go in that—

**Mr. Peterson:** You don't help any of these schools.

**Hon. Mr. Maeck:** Would the member mind if I answer the question?

There are quite a few. If we are going to go in that direction, I would prefer it to be an amendment to the act rather than a ministerial exemption, because it would require a lot of bureaucracy to handle them all if we are going to go the other route.

**Mr. S. Smith:** First you said they didn't need it. Now you say we need an amendment.

**Hon. Mr. Maeck:** I didn't say we didn't need it.

**Mr. Speaker:** Just ignore the interjections.

**Hon. Mr. Maeck:** I would much prefer, if we are going to go in that direction, that it be an amendment to the act rather than by ministerial exemption; and I am prepared to consider that.

#### POLLUTION COMPLAINT

**Mr. Isaacs:** I have a question for the Minister of the Environment.

Does the minister recall a letter which he received from a Mr. Gerry Turner, which I am sending over to him, about industrial

pollution being emitted from Sylco Wire Limited in Tillsonburg; and would the minister explain why he asked his special assistant, Mr. Blair Taylor, to find out whether Mr. Turner, the complainant, is "a Grit or an NDP"? Mr. Speaker, what has the complainant's politics got to do with cleaning up industrial pollution?

**Hon. Mr. Parrott:** We are talking about somebody in my riding, aren't we? I think that is important to know. I may want to see him on occasion and I would want to deal with him. I want to know everything I can about every member of my constituency. I am always interested in my own constituency, of course.

I think the member will agree that matter was properly referred and had nothing to do with politics.

**Mr. Speaker:** The honourable member for Waterloo North.

**Mr. Isaacs:** Supplementary, Mr. Speaker.

**Mr. Speaker:** Supplementary, the honourable member for Waterloo North.

Interjections.

**Mr. Speaker:** Why don't you come to order? I distinctly looked at the honourable member for Wentworth. He didn't have a supplementary until I recognized the honourable member for Waterloo North.

**Mr. Epp:** Mr. Speaker, I am wondering whether or not this new position, whether someone is a Liberal or a Grit, reflects another split in the cabinet; and whether the minister's colleagues agree with him that he should ask these questions in correspondence?

**Hon. Mr. Parrott:** That is not factually correct. I think it is great to have some fun, but there was absolutely no question whatsoever about the referral of that particular thing to the appropriate sources. It is my riding. Let me tell the member I don't have any problems looking after that riding to the very best of my ability. I won't backtrack one bit on that.

**Mr. Isaacs:** Is the minister pleased to learn I have spoken to his constituent, Mr. Turner, and Mr. Turner has informed me he voted for the minister in the last provincial election? Will the minister now assure us that instead of writing memoranda which talk about strident letters, trying to put down very valid comments about industrial pollution made by a resident of Tillsonburg, he will now deal properly with the complaint being raised and ensure Sylco Wire Limited is prevented from emitting industrial pollutants?

**Hon. Mr. Parrott:** I am really not surprised the gentleman voted for me, as a matter of fact.



**Mr. Swart:** I'll be surprised if he does next time.

**Hon. Mr. Parrott:** A little over 51 per cent also voted for me.

**Mr. S. Smith:** Talk about arrogance.

**Hon. Mr. Parrott:** I think there were some pretty strident remarks in that letter that weren't necessarily factually correct. We must assess it in that light and we are prepared to do so. The honourable member will find out, if I can say this to him—

**Mr. Speaker:** Order. It never ceases to amaze me how groups will insist that I recognize an honourable member so he can ask a supplementary question and then they act in such a way that they can't even put the question, let alone hear the answer. It boggles the mind.

**Hon. Mr. Parrott:** I can only agree with you, Mr. Speaker, particularly when it's a question of such great importance to consume the time of this House.

**Mr. Martel:** It depends on who is answering the question.

**Hon. Mr. Parrott:** There were some very strident statements in that letter. I think the honourable member will find when he is here a little longer that he will receive a lot of letters and that he will not necessarily accept that all of the facts are as presented; he will learn it behooves a person to look at both sides of every issue. That's what I try to do on every occasion.

There were some misleading statements in that particular letter. I think therefore, I have a real need to find out as much about that particular concern—I'm not now talking about the person's politics—

Interjections.

**Hon. Mr. Parrott:** I want to find out as much related to his concern as I possibly can, because the honourable member forgets that that industry is located in my riding. I did have discussions with the industry and I have taken action on it.

#### NEWMARKET COURTHOUSE

**Mr. Hodgson:** Mr. Speaker, I have a question of the Minister of Government Services. There are a lot of conflicting rumors going around about the opening date and the finishing date of the new courthouse and registry office in the region of York, particularly in the riding of York North and the great town of Newmarket. Could the minister enlighten us and the members of the House about the expected finishing date of the courthouse and when it will be ready for occupancy?

**Mr. Foulds:** I hope it is not like the Thunder Bay courthouse.

**Mr. Speaker:** Order.

**Hon. Mr. Henderson:** There is one difference. We really don't need a courthouse up in that area. The people are all the types of people who don't require a courthouse.

**Mr. Foulds:** Why are you building it?

**Hon. Mr. Henderson:** In Thunder Bay, the member suggests, they do.

**Mr. Foulds:** Are you slandering the people of Thunder Bay? Let that be on the record.

**Hon. Mr. Henderson:** No; the member is suggesting that.

Interjections.

**Hon. Mr. Henderson:** In responding to this question, the contract for this building was let about the middle of 1977.

**Mr. S. Smith:** It will be finished by 1990.

**Hon. Mr. Henderson:** It is an \$11.6-million contract.

**Mr. Makarchuk:** In time for the next election.

**Hon. Mr. Henderson:** The plan at the time the contract was let was that it should be opened in mid-winter, starting next January, approximately at that time. We have recently had some problems with some of the sub-contractors working on the mechanical trades in the building, this has held us up for a few weeks. The present plans are that the building will be completed in about 10-months' time, approximately at the end of April or May 1, 1980. We plan on accepting it at that time.

I would add that at this moment the building is almost 75 per cent completed.

[3:00]

#### MANAGEMENT STUDIES

**Mr. J. Reed:** I have a question of the Minister of Energy, Mr. Speaker. Does the minister know of, and/or has the minister seen two management studies that have recently been done on his ministry, one by Management Board and the other by management consultant, Peter Barnard Associates? Will he confirm that these reports indicate there is a "severe morale problem" in the ministry? The study sets out a number of reasons for the problem, which has resulted in the resignation of four senior members of his ministry last year?

**Hon. Mr. Auld:** No. Mr. Speaker, I haven't seen those, but obviously I will get my hands on them very shortly.



**Mr. J. Reed:** Supplementary: Upon seeing these reports, will the minister then agree to table them in the House?

**Hon. Mr. Auld:** No, Mr. Speaker, not until I've seen them; and then maybe never.

#### WCB USE OF PRIVATE INVESTIGATORS

**Mr. Germa:** Mr. Speaker, in the absence of the Minister of Labour (Mr. Elgie), could I ask the Premier a question? It is related to this business of private eyes following WCB claimants around.

Will the Premier comment on an event which happened at an adjudication hearing this Monday at which time Ellis Don Construction, of London, entered into evidence a document which indicated that two Pinkerton agents had followed a claimant in Sudbury for eight days? Does the minister not feel this is an infringement on privacy? What is he going to do to curtail these private eyes?

**Hon. Mr. Davis:** Mr. Speaker, the member for Sudbury knows just how cautious I am in offering opinions on matters where all the information isn't available to me.

**Mr. Makarchuk:** He was referring to the facts.

**Hon. Mr. Davis:** The member is quite right.

**Mr. Speaker:** Just ignore the interjections.

**Hon. Mr. Davis:** Mr. Speaker, I'm doing my best to ignore the interjections.

**Mr. Riddell:** The Premier is familiar with the Ellis Don Company I trust?

**Hon. Mr. Davis:** Not as familiar as the member is.

**Mr. Speaker:** Ignore all interjections.

**Hon. Mr. Davis:** Not as familiar as the member and some of his colleagues are, and the member knows full well what I mean.

I would say to the member for Sudbury I would be delighted to discuss this with the Minister of Labour, and he may have some observations for the member tomorrow morning.

**Mr. Germa:** Mr. Speaker, could the Premier comment on a boast by Mr. Piper, the personnel director at Ellis Don, wherein he said he himself acts as a private eye on occasion? Is it not illegal for him to be a private eye without a licence?

**Hon. Mr. Davis:** Mr. Speaker, I've noticed some members of this Legislature operate as private eyes without licences.

#### VIETNAMESE REFUGEES

**Mr. Williams:** Mr. Speaker, I have a question of the Premier.

**Mr. Speaker:** If I could get the Premier's attention, I would be happy.

**Mr. Williams:** A question of the Premier, Mr. Speaker: In light of the statement made earlier this afternoon by the Minister of Culture and Recreation (Mr. Baetz) with respect to the Vietnamese refugee situation, could the Premier indicate if it is his intention to convey to the federal government Ontario's willingness to accept its responsibilities with respect to the admission into Canada of the so-called boat-people?

Would the Premier agree that under these circumstances Canada's position should be to do the very most it can in so far as the level of immigration is concerned?

**Hon. Mr. Davis:** Mr. Speaker, I would say to the member for Oriole that I believe I answered this question in part. My recollection was that I said the Minister of Intergovernmental Affairs (Mr. Wells), after some discussion, had communicated in reply to a telex from the new Minister of Immigration, that Ontario would be prepared to accept and support any increase of boat-people, as they have been described.

I think the Minister of Intergovernmental Affairs in his reply said we would be more than prepared to co-operate to provide what services we could. This was communicated, I believe, about six or seven days ago.

#### NIAGARA RIVER POLLUTION

**Mr. Kerrio:** Mr. Speaker, I have a question of the Minister of the Environment. Is the minister aware of the report that the \$10 million treatment system at the Love Canal site is not functioning properly and that there is grave danger that the chemicals therein contained are now leaching towards the Niagara River?

**Hon. Mr. Parrott:** I'm not sure whether my staff is aware of that or not. I will certainly find out and let the member know. I haven't had that report, but that certainly doesn't mean staff hasn't. We will check and tell the member.

**Mr. Kerrio:** A supplementary question, Mr. Speaker: Because there was some question about my source the last time I raised this issue, I would like to relate to the minister that this source is state documents from the Department of the Environment of the United States. I wonder if the minister would ask the people in the environment department of New York State to have closer liaison with his people in his ministry so we are immediately aware of these situations which seem to have existed since April?



**Hon. Mr. Parrott:** We have already asked for closer liaison with that department. I can repeat that request, if the member wishes, but I can tell him it has already been done. I am pleased that the member's source now is not Maclean's but a more official document.

**Mr. Kerrio:** Well, I found out Maclean's was one source too.

### SPEECH PATHOLOGY SERVICES

**Mr. Laughren:** I have a question for the Minister of Health. Is the minister aware that when students in the Sudbury Board of Education require the services of a pathologist and apply to the Sudbury-Algonia sanatorium for that service they are denied service because of budgetary restraints? If I could quote very briefly: "We will no longer be providing speech pathology services to school-age children. Referrals of school-age children who are presently on our waiting list will have to be removed."

When parents are then referred to the Hospital for Sick Children in Toronto, they are told by that hospital, "We have experienced substantial budgetary restriction in this hospital as well, and our waiting list is also several months long. It seems to me that we are looking at the consequence of continued budgetary restraints in the Ministry of Health, and unfortunately youngsters such as Deni have to bear the delay in the availability of professional services."

Is the minister aware that his continued budgetary restraints are not simply a political stance or an attempt to balance the budget, but that they are hurting people who are in desperate need of these kinds of services?

**Hon. Mr. Timbrell:** Obviously, that is not the intent at all. I will be glad to look into that situation. But I should say that in most areas of the province, of course, such services are provided by the boards of education, not by the children's centres or by sanatoriums.

**Mr. Laughren:** No, that's not true.

**Mr. Swart:** You don't know what you're talking about, Dennis.

**Hon. Mr. Timbrell:** Now I know where the "jerk" came from in the expression "knee-jerk."

**Mr. Speaker,** to my knowledge neither the board of education nor the sanatorium has written to the ministry to draw that situation to our attention. I will be glad to look into it and see if something can be done to alleviate the situation.

**Mr. Laughren:** By way of supplementary, is the minister aware that in this particular case—I will send the minister a copy of the

correspondence involved—the person involved is six years old, in kindergarten and will not even be promoted to grade one because he is almost incomprehensible when he attempts to talk. There are no speech pathology services available in Sudbury, and he is being refused service in Toronto? What is the minister's advice to the Fraulin family for their six-year-old son Deni?

**Hon. Mr. Timbrell:** Unlike the honourable member, I don't draw the names of children or anybody else into the debate.

Interjections.

**Hon. Mr. Timbrell:** I will be glad to have the information. Certainly, the intention is to maintain services that have been provided. I am not aware of what the range of alternatives is in that area. I do recall that last year we provided a grant to the sanatorium for a travelling psychiatrist to pick up some of their additional costs. Where a need is identified we will work with them.

### SUGAR HAZARDS

**Mr. McGuigan:** My question is to the Minister of Health. I'm sorry that the Minister of Consumer and Commercial Relations (Mr. Drea) is not here, but I would also ask the Minister of Agriculture and Food (Mr. W. Newman) to note.

On June 13 a story in the Toronto Sun pointed out that some children's ready-to-eat breakfast cereals contain up to 48 per cent sugar. This was a situation I pointed out to the House on May 1, 1978. Does the minister agree that excess sugar consumption contributes to tooth decay and obesity, and, according to the Minister of the Environment (Mr. Parrott), to cancer? Would he press the federal government to bring in legislation—

**Mr. Bradley:** Your friends.

**Mr. McGuigan:** —that would mandate the labelling of processed foods so we may know what ingredients we are feeding to our children and to ourselves?

**Hon. Mr. Timbrell:** That doesn't seem to be an unreasonable suggestion. I would point out to the member, as I did in the note I sent him the other day in the House, that he can't entirely protect people from themselves. I have never eaten these sugar-sweetened cereals, but I sure as heck put a lot of sugar on myself, and one can't protect people from that. But the reasonable suggestions about labelling are things we should draw to the attention of the Department of National Health and Welfare and I would be glad to do so.



**Mr. McGuigan:** I am surprised that the minister engages in such unhealthy eating habits after the series of television ads he presented to the public some months ago. But doesn't the minister recognize the difference between self-induced problems and problems induced by the fact that people do not know?

**Hon. Mr. Timbrell:** There is no question that reasonable standards for labelling and certainly for content, are quite necessary and we have very strict standards in Canada. All I am saying is that there is also the health promotional, the educational side of it, and one can't try to protect people entirely from themselves. That is an impossibility.

#### ARAB ECONOMIC SANCTIONS

**Mr. Samis:** A question for the Premier: In view of the possible very serious effects on Ontario's economy by the recent actions of the Arab Monetary Fund and possible other actions, and in light of the widespread concern and dismay expressed this week by key spokesmen in the banking, financial, communications, housing and exporting communities, not to mention the Canadian Council of Churches, could the Premier inform the House what representation he has made to the Prime Minister on their behalf regarding his ill-timed and reckless announcement about moving Canada's embassy to Jerusalem, and could he tell us whether or not he believes such action at this time is in the best interests of the people of Ontario and their economy?

**Hon. Mr. Davis:** I could ask the honourable member to read the question again. I didn't get it all.

**Mr. Laughren:** He can do it.

**Mr. Samis:** I will repeat the question.

**Hon. Mr. Davis:** I got the last part of it. This government and I have made no personal representations related to this rather sensitive matter. I recognize the difficulties inherent in this, and certainly I have had some communications, as have ministers, with respect to certain industries. I think it is something that has to be assessed very carefully. It is, without question, something of an emotional issue.

I would remind the honourable member, and I do this, I hope, with the understanding of what I am going to say next, that we passed legislation in this House that perhaps in some respects, but perhaps different in scale, was establishing a certain principle as well. I would say to the honourable member that at that time I received representations,

not on the same scale or with the same, shall we say, perception in terms of the public or the international area, but in terms of our own industrial sector here. I am surprised that the New Democratic Party didn't receive the same representations. I happen to know that members of the Liberal Party in this Legislature did, as well.

**Mr. Laughren:** Are you saying you support the Prime Minister?

**Hon. Mr. Davis:** And yet I want to remind members that as a matter of principle, we enacted that particular piece of legislation. If the New Democratic Party in this province is saying it is as a matter of principle they are debating this particular posture, not the practicalities of the problems we face at present, then they should have the intestinal fortitude to get up and say so.

**Mr. McClellan:** That has nothing to do with this.

**Mr. Martel:** Why don't you have some intestinal fortitude? You demonstrate your lack of fortitude in that answer—chintzy.

**Mr. Laughren:** You're waffling.

#### FANSHAWE COLLEGE

**Mr. Van Horne:** Mr. Speaker, I seek your direction on this, but I do believe I have a point of privilege in that on Tuesday I asked a question of the Minister of Education about the settlement made between Fanshawe College and its president. I understood her reply to indicate rather clearly that if she got the information she would make it public, or at least make it available to me.

[3:15]

I understand that on the channel 10 television in London last night she is quoted as saying she was not sure this would happen now. I would, therefore, submit that if she is responsible for that statement on channel 10 last night, I was misled on Tuesday.

**Hon. Miss Stephenson:** If I might respond to that, I do not know what was said on channel 10 but I said very clearly to the newspaper reporter from London that I had communicated my concern about this already to the executive of the board of governors of that institution. I told them I would be following it up with a letter if I found, after perusal of my legislative capabilities, that I was permitted to do so. I have found that out. The letter is written and has gone to the board of governors asking specifically for the information which was requested by the honourable member. I committed myself to the publication of that information, or at least



to the sharing of that information with the members of the House, when it's received.

### HOSPITAL BED ALLOCATIONS

**Mr. Breagh:** Mr. Speaker, I rise to correct the record. On Tuesday last I asked a question of the Minister of Health concerning the practice of what is known as "dormatizing beds," that is, not having in service hospital beds with might be covered under their allocations. I was not quite pleased with the minister's answer.

I'd like to read into the record testimony given by Dr. Paul Clarke out of an Ontario Medical Association brief before the social development committee: "If you hear a hospital is allocated for 400 beds, they sure are not running 400 beds. They can't afford 400 beds. It would be more like 360 or 375 or something like that." In a telephone conversation as late as this morning, the Hospital Council of Metropolitan Toronto acknowledged that is a rather widespread practice in Toronto.

**Hon. Mr. Timbrell:** Mr. Speaker, I certainly wouldn't deny that. But the fact was that the member's question suggested the people won't talk to us about it, and that is ridiculous.

### WRITTEN QUESTION

**Mr. Speaker:** I would like to seek the co-operation of one honourable member who filed an inquiry of the Ministry of the Environment without benefit of having signed it. It would help the table officers if the member would assist us in that regard.

### MEMBERS' EXPENDITURES

**Mr. Speaker:** I beg to inform the House that today I have laid upon the table the individual members' expenditures for the fiscal year 1978-79.

**Mr. Peterson:** Cassidy wins again. The only thing he's ever won.

### NOTICE OF DISSATISFACTION

**Mr. Speaker:** Pursuant to standing order 28, the member for Port Arthur (Mr. Foulds) has given notice that he is dissatisfied with the answer to his question by the Minister of Natural Resources (Mr. Auld) on spraying for spruce budworms. This matter will be taken care of at 10:30 tonight.

### LEGISLATIVE PAGES

**Mr. Speaker:** I would beg the indulgence of all honourable members to bear with me while we carry on the time-honoured ritual of

reading into the record the names and the readings of the pages who have served us with such distinction over the past few weeks.

**Mr. Nixon:** Let's turn the TV lights on them.

**Mr. Speaker:** They are as follows: Michael Braby of Frontenac-Addington; James Darling of Peterborough; Ian Dickison of Quinte; Claudine Duras of St. David; Roderick Flynn of Renfrew North; Marcel Forget of Welland-Thorold; Sean Gabbidon of Yorkview; Janis Gibson of Perth; Caryn Hallam of Don Mills; Georgina Jani of St. George; Stephen Johnson of York West; Sylvie Lamoureux of Oriole; Lynne McIntyre of Elgin; Lynda Simpson of Humber; Allison Smith of Brampton; Craig Stubbs of Dufferin-Simcoe; Luba Szkambara of High Park-Swansae; Sharon Tenbergen of Oxford; Dawn Tunnicliffe of Leeds; Geoffrey Turner of Frontenac-Addington; Robert Watson of Grey, and David Wighton of Scarborough North.

Will you thank them for their services?

Applause.

### REPORTS

#### FUNERAL SERVICES

Hon. Mr. Timbrell presented the annual report for the calendar year 1978 of the Board of Funeral Services and of the Funeral Services Review Board.

#### ONTARIO NORTHLAND TRANSPORTATION COMMISSION

Hon. Mr. Bernier presented the 78th annual report of the Ontario Northland Transportation Commission for the year ending December 31, 1978.

#### STANDING SOCIAL DEVELOPMENT COMMITTEE

Mr. Gaunt from the standing social development committee presented a report and moved its adoption.

**Mr. Breagh:** On a point of order, Mr. Speaker, included in the report of the standing committee on social development is an Appendix 1 containing dissenting opinions. I have no objection to preparing, typing and circulating this kind of unmitigated pap, but I wish the members of the committee who wish to say this would have the intestinal fortitude to sign the thing.

**Mr. Peterson:** Take out his appendix and charge him.

**Mr. Speaker:** According to the standing order, the report itself is the majority opinion of the committee. It is within the discretion



of the committee to allow members to append a dissension from that report, but it is not to be construed as a portion of the report.

**Mr. Breaugh:** Just speaking to the point of order, I have no objection to its being there. I am simply requesting that members who wish to put in a dissenting opinion and exercise their rights under the standing order have the intestinal fortitude to sign that opinion.

**Mr. Speaker:** That is a question for the committee.

On motion by Mr. Gaunt, the debate was adjourned.

#### STANDING GENERAL GOVERNMENT COMMITTEE

Mr. McCaffrey from the standing general government committee presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr9, An Act respecting the City of Ottawa.

Report adopted.

#### STANDING RESOURCES DEVELOPMENT COMMITTEE

Mr. Villeneuve from the standing resources development committee presented an interim report and moved its adoption.

On motion by Mr. Villeneuve, the debate was adjourned.

**Mr. Speaker:** I wish chairmen would give some indication of how they want these reports disposed of, rather than leaving it to the discretion of the chair. It does cause a great deal of difficulty.

#### STANDING ADMINISTRATION OF JUSTICE COMMITTEE

Mr. Philip from the standing administration of justice committee presented the following report and moved its adoption:

Your committee begs to report the following bill with certain amendments:

Bill Pr5, An Act respecting the City of Toronto.

Report adopted.

#### STANDING STATUTORY INSTRUMENTS COMMITTEE

Mr. Williams from the standing statutory instruments committee presented the committee's first report.

**Mr. Williams:** Before moving adoption of the report, Mr. Speaker, I would like to make a few brief comments with regard thereto.

It has been my privilege to act as chairman of the standing statutory instruments committee for several sessions. As you may recall, sir, the first substantive report of the statutory instruments committee was presented in June 1968 and at that time the committee established a set of guidelines for the making of regulations as a major consideration and recommendation. As a result of that first report in 1968, these guidelines were established and the role of the committee and the matter of regulations and exemptions thereunder was considerably clarified. The report at that time was able to point out what some of the difficulties were with regard to the secondary legislation, commonly known as regulations. That initial substantive report did single out at the same time a number of specific statutes that were particularly noted for offending some of the guidelines established at that time.

The initial report indicated also that the committee was, in its ongoing work, studying the means by which other jurisdictions handled regulations. Subsequently, a second report was tabled by the committee in December 1968, and in so doing it was reported that the committee had investigated and consulted with representatives from the province of Manitoba as well as with our federal counterparts, the statutory regulations committee equivalent in Ottawa. It was from those two sources that we learned a great deal about how regulations are handled in other provincial jurisdictions as well as at the federal level.

We pointed out in the first report, as well as in that second report, that one of the major considerations of the statutory instruments committee was to undertake a thorough vetting of the existing regulations, a matter which had not been given serious attention for a number of years. Through the good offices of Lachlan MacTavish, QC, who acts as counsel to the committee, I am happy to report today that the vetting of regulations has now been made current as indicated by the report I am tabling today.

The other feature of the report that is being tabled today is that the number of statutes that has been specifically singled out in earlier reports were dealt with and have been dealt with specifically in this first report of this session. I think it is important that members of the House avail themselves of the opportunity of considering the current report, which deals specifically with a number of statutes. I will simply cite the statutes to you, Mr. Speaker, namely, the Planning Act, which was found to be—



**Mr. Speaker:** I want to remind the honourable member that this is the day for private members' balloted items.

**Mr. Williams:** Yes; another two minutes, Mr. Speaker, and I will have concluded my remarks.

The Planning Act is the major piece of legislation to which the committee addressed itself in trying to find a more appropriate means of handling regulations. It has been pointed out too that the Parkway Belt Planning and Development Act, the Registry Act, the Public Transportation and Highway Improvement Act and the Highway Traffic Act, as well as the Environmental Assessment Act, all could be improved upon as far as the means by which regulations are handled under those particular statutes is concerned. It is these statutes that are cited in the report tabled today. I hope that remedial action will be taken with regard thereto as suggested by the committee.

[3:30]

The major problem that must be addressed is an immediate one. It is pointed out in the report. The dicennial amendment of the regulations is in process and if significant changes are to be made in the regulatory process as it relates to any specific bills it must be attended to in the very immediate future.

Mr. Speaker, I again wish to thank counsel, Mr. MacTavish, and the clerk of the committee, Mr. Forsyth, for their dedicated efforts in assisting the committee in its work.

On motion by Mr. Williams, the debate was adjourned.

## INTRODUCTION OF BILLS

### RESIDENTIAL PREMISES RENT REVIEW AMENDMENT ACT

Hon. Mr. Maeck, on behalf of Hon. Mr. Drea, moved first reading of Bill 142, An Act to amend the Residential Premises Rent Review Act, 1975 (Second Session).

Motion agreed to.

**Hon. Mr. Maeck:** Mr. Speaker, the bill postpones the repeal of the act for two months, from September 30, 1979, to November 30, 1979. The continuation of the act for certain specified purposes is correspondingly extended.

### ELECTION AMENDMENT ACT

Mr. R. F. Johnston moved first reading of Bill 143, An Act to amend the Election Act.

Motion agreed to.

**Mr. R. F. Johnston:** Mr. Speaker, the purpose of this bill is to standardize the hours of polling for elections to the Legislature. Section 1 of this bill amends the Election Act to ensure that the general hours of polling extend between 9 a.m. and 8 p.m. of the same day. When Daylight Saving Time is in effect at the time the election is held, the bill requires that any time reference in the Election Act be interpreted as referring to Daylight Saving Time.

## ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Maeck:** Mr. Speaker, I wish to table the interim answers to questions 249 and 257 standing on the Notice Paper. (See appendix.)

## ORDERS OF THE DAY

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### PROVINCIAL ELECTIONS

Mr. Ramsay moved resolution 20:

That in the opinion of this House the government should give consideration to the reduction of the writ period for provincial general elections and by-elections to a length of 30 days.

**Mr. Ramsay:** I am delighted, Mr. Speaker, to have the opportunity to explain my rationale in presenting this motion, as well as arguments I think pertinent to its support.

At present, if an election is called in the months from May to October inclusive, the election period is between 74 and 37 days long. If an election is called in the months from November to April, the election period is between 77 and 44 days long. I recently contested a by-election in the months from November to April; the time between the issuing of the writ and the election covered 44 days.

The recent federal election also illustrated to us all what came to be in most eyes a long drawn-out ordeal for anyone remotely involved, as well as those who are not only merely observers but potential voters. In fact, between the time the federal election was called and the actual day of balloting, the province of British Columbia, as well as the British Isles, called and completed their elections. Another recent example of a very short election period, actually less than 30 days, would be Newfoundland.

Gone are the days when leaders had to stomp the province or the country in railroad cars or other conveyances making whistle



stops. We are in an age of jet travel and the electronic media and I submit it is time we changed our election practices to bring them into the 20th century as well.

Let me briefly outline some of the advantages of a shorter writ period, Number one; it would broaden the democratic base by allowing less expensive elections. As you well know, Mr. Speaker, it can become a drain on the candidates and many spend years attempting to write off their expenses. Despite the more progressive legislation of later years, which has put needed restraints on spending and has provided a measure of financial assistance to candidates, there is the overall expense to the taxpayer to be considered. Isn't this an excellent opportunity to practise the restraints we seem to be constantly advocating these days in government?

Number two; a shorter writ period would tend to compress and crystallize the issues, thus enhancing public appreciation of the party platform. If a candidate cannot decide on a platform and have a clear appreciation of the issues by nomination day, then I suggest he will be a poor candidate.

The public is bombarded by rhetoric and printed material and usually by election day is more confused than when the election is called. A shorter time period would obviously assist in this respect.

These items are not necessarily in order of importance, but number three is one I consider extremely important. How can we justify the absence of elected representatives in the seat of government for a period ranging from 37 days provincially to up to 60 days federally? The shorter writ period of 30 days would facilitate an early return to the business of government which would be a most positive move.

Number four, a shorter writ period would reduce to a minimum the counterproductive aspect of campaigns wherein voters have become saturated by campaign news and are turned off by election day. As one who has worked in the media for some 25 years, I have been deeply involved with elections at the municipal, provincial and federal levels and can speak with authority when I state voters do become turned off by a seemingly never-ending avalanche of campaign material on their doorsteps, workers knocking at their doors, candidates accosting them in shopping centres, television and radio announcements blaring at them all day, and newspaper supplements crammed with election ads.

To those members who represent large urban ridings, this perhaps is not a factor, but in the smaller communities the use of television and radio and newspaper advertis-

ing is quite popular because of the lower cost and less possibility of fragmentation of audience. Campaigns may be a bonanza in revenue for newspapers, radio, television and the local printer, but I submit it becomes an irritant to the viewer, listener and reader.

This brings me to my point that we should recognize the essential change in campaign practices and performances that has occurred with the advent of electronic media. The leaders of the respective parties can't even discuss the weather without their comments being reported or recorded during an election campaign. Again, in smaller markets, the information media, usually quite responsibly but diligently, probe for every possible tidbit of legitimate election news and it, in turn, finds its way into the newspapers or on television and radio.

Potential voters, and that includes the lukewarm ones, cannot suggest that they have had no opportunity to make themselves completely familiar with the candidates, the parties and the issues because of the scope and strength of information media in general and, in particular, the outstanding growth of the electronic media.

I would anticipate one particular criticism of this resolution and that is the ability properly to conduct the enumeration process in a shorter writ period of 30 days. I would advise that I have consulted with Mr. Roderick Lewis, the chief election officer who, with his staff, has been conducting intensive meetings to see if a shorter writ period can be accommodated. His findings would indicate that with a new approach to printing lists and other fine tuning of the enumeration process, a shorter writ period may be possible.

Therefore, Mr. Speaker, in the light of everything I have said, I have no hesitation both in submitting this resolution to the House and asking the honourable members for its support.

**Mr. Deputy Speaker:** Does the honourable member wish to reserve any of the remaining time?

**Mr. Ramsay:** Yes, I would, Mr. Speaker. I won't require much time but I would like the opportunity at the end for one or two remarks.

**Mr. Deputy Speaker:** Five minutes?

**Mr. Ramsay:** Yes, certainly.

**Mr. Bradley:** The member for Sault Ste. Marie is to be congratulated for bringing this matter before the Legislature since it is one that has been discussed in public for some time. We commend him on that particular initiative. He finished somewhat earlier than I anticipated so I'll have to collect my notes



together on my desk here, Mr. Speaker, and deal with some of the problems that I see with the resolution.

I think the idea really originated from the last federal campaign which seemed to go on almost endlessly. If we take the federal campaign into consideration we would recognize that there was a good deal of question over whether or not an election would be held last year, this year, the fall or the spring, the summer or the winter. This seemed to make the campaign go on much longer than indeed it did.

However, I think most of us in this House would agree that the 57-day minimum—I believe it's 57 days federally—is a very long period and is probably not essential in that jurisdiction. I would like to look at some of the problems that would come about if this resolution resulted in legislation relating to the provincial government.

The first aspect we have to look at is the election machinery itself. I think we recognize that a basic problem would result from the idea of a permanent voters list for an election and things of that nature. Yet, a permanent voters list is the only way of getting around this problem as I see it to bring forth legislation for what the member for Sault Ste. Marie is advocating.

What we have in the province of Ontario under the British parliamentary system, particularly with minority government, is a situation where an election can be called on very short notice. For instance, if the government were to be defeated tomorrow on a major bill in the House, the government would then be in a position of probably regarding that as a question of confidence and we would have an election rather quickly. This would certainly leave those who are involved with the election machinery process in very dire straits if only 30 days were available for the entire process. It would also leave political parties in a very difficult situation in terms of rounding up candidates, particularly those who were new to the political process, and putting their machinery into effect.

Those who have been involved in elections, both in the back room and the front room, so to speak, know that the returning officers, first of all, have to find accommodation when the writ is issued. They have to be able to rent some kind of accommodation, be it an office or a house of some kind. They have to arrange for such things as telephones, furniture and supplies and so on, just as the political parties have to do, although not with the same degree of urgency.

[3:45]

We recognize that people who belong to political parties are contacted by the returning officer in a particular constituency and told to arrange for enumerators. It is often difficult to get these enumerators lined up ahead of time, particularly when an election is precipitated by a defeat in the House or on the initiative of the Premier, if he somehow feels that an election is justified in circumstances other than what we would probably consider to be the normal four years.

We also know that the enumerators must be trained to do their job properly, that this takes some period of time and that they have to be out on the streets within a few days doing their job. We recognize that they must call on all households within a particular community; that they must call back twice to ensure that every voter has the opportunity to be on the list; that there must be a revision of the voters list; that the lists must be printed; that polling places in the constituency must be arranged—and this is often not as easy as would meet the eye, I would think, from those of us who know, having to rent campaign headquarters. We also have to have them arranging and instructing the poll clerks and DROs. So we are in a situation where it can be very difficult for those who carry out the actual process of the election to be able to do so in such a short period of time.

Looking at it from the point of view of political parties and political candidates, it certainly places the government in a very favourable position, because the government ordinarily knows when it is going to call an election, except, of course, upon defeat in a House. The government would naturally have the most incumbents in the Legislature, and we know that incumbents ordinarily have the advantage of being better known in their constituencies than the individual candidates who would be put forth by the opposition parties or those who would allow themselves to be candidates on an independent ticket. It really places those who are not incumbents in a very difficult position of attempting to compete with a government which usually has its propaganda machine oiled up and in order at all times, because it can use certain of its departments to put forth the policies of the party through the ministers. Even though we recognize that is not part of the election process, we know it does happen.

We also know that the parties have to get together to be able to print their materials. Those of us who think that door-knocking is important have to try to reach as many of our constituents as possible by knocking on



doors. It is virtually impossible, within the 30-day period, for the candidate himself or herself to be able to do that. The other workers could be of great assistance, but the candidate himself could not get to every door. We see a real problem and a real advantage being given to the government if this resolution were to be implemented.

A study of this was done by the Manitoba Law Reform Commission some time ago; June 24, 1977, is when the Legislative Library received it. What many people say is that a permanent voters list is obviously the answer to this; that we could really speed up the machinery by doing that, even if we saw it as being desirable in terms of the political process, of the parties themselves and of the candidates themselves.

I quote from page three of their report: "The basic problem with the presentation of voters lists in a parliamentary democracy is that the timing of elections is not a regular and foreseeable process." This deals with the matter I brought to the House's attention in terms of the fact that we have elections in our parliamentary democracies sometimes when we do not even expect them.

There are other problems with the permanent voting list. One is the cost of a permanent voters list. On page seven of the report, it mentions: "Any method of permanent or continuous electoral rolls would be considerably more expensive. The rolls would also be less accurate, meaning thousands and probably hundreds of thousands of voting-age Canadians would be disenfranchised in every federal election." We can also, I think, apply that to provincial elections.

"Finally, there is an intangible: the element of compulsion. Do Canadians want to be required by law—as Britons and Australians are—to register as voters?" Do they want compulsory voting, as the Australians have? Some of that is implicit in moving to a permanent voters list.

Mr. Hamel, who is the chief electoral officer, estimates that between 97 and 98 per cent of eligible voters were enumerated in the 1972 election. This still left a huge number, between 250,000 and 300,000, off the list, but in comparison with other countries the omissions were minor. The United States, with 10 times the population, leaves more than 100 times as many voters unregistered—32 million of them in the 1972 presidential election. The Canadian system is much admired by electoral experts south of the border.

The British process continues until February 15 when the list is closed. The list is in force for any election occurring between

February 16 and the following February 15. There is provision for deleting the names of those who die and for adding the names of those who come of age. But changes cannot be made for voters who move, marry or divorce. So a problem exists in that respect.

The British Columbia permanent or continuous voters list, I must note, was not even used in the 1972 provincial election, which suggests there were some problems with it.

Looking at the permanent voters list and the costs we are talking about, the Manitoba Law Reform Commission goes into this in some detail on page 13 of their report: "Before rushing into a new electoral system, it would be wise to consider the costs, financial and other. The financial costs would be staggering. At present it costs a little less than \$11 million every four years in times of majority government for enumeration and courts of revision." I am talking federally there.

Mr. Hamel has a permanent staff of just 41 people, plus an army of temporary help at election time. To maintain a continuous voters list he would have to have at least one registration office with two permanent staff in each of the then 264 ridings and more staff in Ottawa—between 700 and 900 people all told. Based on the Australian experience, he put the cost of a continuous list at \$1.50 per registered voter.

**Mr. Deputy Speaker:** The honourable member's time has expired.

**Mr. Bradley:** In conclusion, it would mean \$80 million per election, instead of \$20 million. For these reasons, I can oppose this resolution in conscience.

**Mr. MacDonald:** I am rather intrigued at the thrust behind this resolution. In the halls around Queen's Park in the last few days, as this was going to come up, I have heard it said—I don't know whether accurately or not—this was a kite-flying effort. I heard the government had really made up its mind and was just testing the waters with this private member's bill.

When I discover honourable members had the benefit of the chief electoral officer's examination of it and he has concluded that it can be done, and as soon as the debate begins the lights come on, the camera takes a shot of him, for what purpose time alone will tell. Maybe the member will be trying to drum up support across the whole province on Provincial Affairs.

**An hon. member:** A television personality.

**Mr. MacDonald:** I repeat, I am a little intrigued at the thrust back of this whole



thing. But let me get down to the substance of it, since time is limited.

During the recent federal election campaign there was widespread comment about the undue length of the campaign. I don't know anybody—repeat anybody—who didn't share in that criticism. The campaign was too long. It was set up 100 years ago when it took a week to go from Halifax to Vancouver, and the proposition that you should have a campaign of that length today, with modern means of travel, when the Prime Minister or a party leader can be on both sides of the country in the same day, is obviously a bit of nonsense.

However, to extrapolate the unanimous feeling with regard to the undue length of the federal election campaign into the provincial scene, and to conclude we should reduce an election campaign of 37 days to 30, I suggest is a mistake. We are going to oppose this resolution. I am not going to repeat all the reasons the honourable member who has just spoken has laid out for the House. The problems involved in the returning officer being able to get an office, to get staffed up; the problem for each one of the committee rooms, of printing—all those matters take a measure of time. I suggest that 37 days is not too long to do all of that efficiently.

One thing that surprises me about the motion particularly is that it should come from northern Ontario. We may have difficulties in urban seats in the south, but in the northern ridings where there are great distances to cope with, the difficulties are even greater. To reduce the time of an election to 30 days will make it difficult, if not impossible, to carry on a campaign effectively. One wonders whether the honourable member living in the Sault is so isolated in an urban area, so isolated from the rest of the north, that he is not aware of these difficulties. I certainly have been hearing for quite some time about the difficulties of campaigning in the vast distances of the north and I shall leave further elaboration to my colleague from Thunder Bay, who can speak more knowledgeably and more familiarly on it.

The paramount objective of any election campaign should be to give every eligible voter an opportunity to vote. I am not going to go into all the details of the Election Act, but I suggest that the main criticism, as the sponsor of this resolution conceded in anticipating criticism, is going to be with regard to enumeration. I suggest that the whole House should be given an opportunity to have input in terms of revisions, not just what appears to have been some behind-the-scenes effort within the Conservative Party working

with the chief electoral officer. If we are going to have revision, let the whole House pool information, pool their knowledge and pool their experience through an appropriate committee of the House.

Enumeration in this province has to be seriously re-examined. I don't accept what appears to be the thrust of the argument of the last speaker from the Liberal Party that a permanent voters list is the answer. Years ago, I took a look at the permanent voters list and, quite apart from the cost, which is very, very much greater in many jurisdictions where a permanent voters list is being used, if it is being updated every six months or every year and the election happens to be called in the fifth month or in the 11th month, that permanent voters list will be significantly out of date.

**Mr. Bradley:** That is why I spent five minutes panning the permanent voters list.

**Mr. MacDonald:** Oh, the member attacked it. Well, okay. If he were panning it for reasons apart from cost, we share that common ground. I do not think the permanent voters list is an answer. The answer lies in handling the procedure that we now have efficiently, which means that the returning officer, in accordance with the Election Act, has to get each party's nominations as to who is going to do the enumeration. I suggest in this jurisdiction, the government has a special obligation to see that the job is done well.

In most jurisdictions, enumeration is done under the direction of the returning officer, by the two top candidates in the last election. For years this government and this jurisdiction have given a special advantage to government members. Even if a Tory runs third or fourth or fifth, Tory supporters will be engaged in enumeration in the next election and whoever won the election or came in second is the second party brought into the picture.

That is not the case federally. It is not the case in most jurisdictions. It is the top two parties. But here, the Tories have a favoured position; they are in there no matter where they stood in the last election. Therefore, they have a special obligation, in addition to their responsibility for handling the whole setting up of the machinery, of making sure that enumeration is well done.

Without wanting to go into the details of it, if anybody is interested, I have a letter as to the kind of experience we had in my own riding, which I sent to the chief electoral officer after telephone calls last time and to which I have yet to receive a reply or clarification. I repeat, the thrust of my



remarks is simply this: rather than trying to reduce the period from 37 days to 30 when we can't handle it as efficiently as we should so that every eligible voter has a chance to vote, I think we should concentrate on perfecting the system we have. It is potentially by far the best system, certainly superior to any alternative like a permanent voters list.

[4:00]

Let me cite just one other example, Mr. Speaker. It stipulates in the act, for example, that the advanced poll should be on the Saturday and Monday prior to election day. That surprised many people who happened to be going on holidays at election time. The Election Act gives an opportunity for advance polls for people who are in the armed forces; who are in transportation and, therefore, away from home; who have a medical certificate; or who are students away from home. But it doesn't give any right to a person who happens to be away on holidays.

Once again, if your objective is to give a right to vote to everybody who is entitled to a vote, there are changes which can be handled best, I suggest, within the time framework we have now. You're going to have added difficulties in doing it efficiently, and doing it well, if you reduce that time.

In the remaining moment or so that remains to me, Mr. Speaker, I just want to deal with one or two points raised in terms of argument on behalf of this reduction.

The honourable member who sponsored the resolution said, for example, it would cut down on costs. Cutting down on costs and so restricting an efficient handling otherwise is missing the point. If you want to cut down on costs, put some limitations on spending at election time. Don't leave the sky as the limit. This is what exists now and what this government has insisted on as we attempted to have amendments to the act in the last instance.

An argument I found particularly strange, if not specious, was that we wanted the election to be shorter so we could get back to business. I don't know whether he means the government to get back to business. The government goes on anyway while the election is on. As for members, sometimes there are literally three or four months before the government deigns to call the House back into session. So the business of getting back at the business of the province—namely, that we should be working more frequently here—is an interesting argument coming from the other side of the House. We've had difficulty getting them, quite apart from

elections, to schedule the business of this House in an orderly fashion—for example, in keeping with the recommendations of the Camp commission—so we can handle the business of this House and not have to go through the madness, the war of attrition that characterizes the last week of the session before adjournment in summertime or particularly the fall.

I think this is, to put it bluntly, a rather ill thought through proposition.

**Mr. Deputy Speaker:** The member's time has expired.

**Mr. MacDonald:** In the light of Ontario's experience, we shall oppose this resolution.

**Mr. Kennedy:** I'm somewhat disappointed that the NDP would oppose the resolution, which, of course, is something in principle and gives an indication as to whether we could reduce the election period. Certainly, no one wants it to be to the detriment of the voters or of the bringing forth of issues.

Perhaps, under certain conditions, if a bill were brought forward at some time they would take it into consideration to see if we could put through some accommodation of such legislation or an amendment to the Election Act, which would reduce the period of time for which everybody, especially the electors and the populace, would be grateful.

I can't see that there would be dire consequences, as expressed by the member for York South, were we to do this. We're speaking of seven days in the summer and I can't recollect when there has been a winter election, but then I'm not that old.

**Mr. MacDonald:** There was one in 1951.

**Mr. Kennedy:** I would say to the member for York South that I'm not that old. My memory doesn't go back to 1951.

**Mr. MacDonald:** You don't have to be that old, you just have to know your history.

**Mr. Kennedy:** Okay.

**Mr. Foulds:** You can read if you're literate.

**Mr. Kennedy:** Mr. Speaker, I want to commend my colleague for bringing this forward. As the House perhaps knows, I had a similar resolution on the order paper but my ballot time is gone and I appreciate that he did bring forward what I think is a very timely measure.

From time to time, following elections, we discuss measures that could improve the electoral system and there have been resolutions now and then, but there has not, recently, been a change to the Election Act.



The resolution today is aimed directly at the issue of the writ period itself.

**Mr. Foulds:** It doesn't say that.

**Mr. Kennedy:** It's a timely issue because the federal election, as we all know, is just over and it seemed to go on for an interminable length of time.

I would have hoped we could have agreed to a mutually shortened campaign time. We have the 21-day advertising restriction now, but this does not restrict the election fervour which we seem to tire of eventually. Real relief can only occur if we shorten the writ period itself. Other jurisdictions seem to be able to do this and achieve it. I know some have permanent voters lists; others don't, or they have modifications of them. I, too, discussed this with the Clerk of the Legislature and the chief electoral officer and asked him, "What about this? Can it be achieved? Is it feasible? Is it reasonable under certain conditions and modifications?" Certainly, you can't just come down, wham, and say it will be 30 days without giving it some consideration.

The provinces perhaps could take a lead in reducing, removing unnecessary—and I emphasize unnecessary—time spent in the electoral processes.

**Mr. Breagh:** Yes, it's such an awkward inconvenience.

**Mr. Kennedy:** The key thing is that this should not and would not impede the democratic process.

**Mr. Breagh:** We understand why.

**Mr. Kennedy:** As my colleague from Sault Ste. Marie said, with modern communications, modern technology, better education—if you go back to 1867 and before—

**Mr. Breagh:** I thought you weren't that old.

**Mr. Kennedy:** —there were minimum numbers who achieved more than grade school education, let alone the ability to communicate, to reach government, to reach would-be parliamentarians, but now anything that comes out is immediately right across the country and into practically every home. We have to come into the 20th century and I think we can adapt.

**Mr. Breagh:** When did you come into it?

**Mr. Kennedy:** Great Britain has and that great socialist province of—

**Mr. Breagh:** Ontario?

**Mr. Kennedy:** —Saskatchewan. Ontario? It will be a long, long time before he is able to say that, I say to the member for Oshawa.

**Mr. Breagh:** Maybe. Maybe in November.

**Mr. Kennedy:** There wouldn't be an impediment to the electorate learning the issues, being able to consider and ponder and understand what is being placed before it and then decide on issues and vote as an informed electorate.

On the technical side, I am not all that familiar with this. I presume there would be economies. If you were into a permanent voters list, one may cancel the other. I don't know, it could very well be. It seems to me if you were running an office, the rent wouldn't be as much for 30 days as it would be for 37 days, but I don't know.

**Mr. Breagh:** More unemployment.

**Mr. Kennedy:** That is not the key to the whole issue though. The key is we can do it, and do it well, in a lesser period of time, so let's get on with it.

**Mr. Breagh:** You haven't been able to do it in a longer period of time.

**Mr. Kennedy:** There were some experiments done with respect to allowing to vote people who weren't on the electoral list. I see our new member for Wentworth (Mr. Isaacs). In that riding and in the other by-election in Scarborough West, the voters had opportunities—and I understand this was an experiment—to go to the returning officer and be sworn in, or whatever they did, to enable them to vote. I certainly support that.

**Mr. Mancini:** Well, you're the government. Change the law.

**Mr. Kennedy:** If we could incorporate, along with the other changes, the possibility of revision of the voters list right up to election day, I think the people eligible to vote would give us a big salute for that. Sometimes it seems 18-year-olds who are just coming on, and should be able to vote, find they are left off. There are some who are here on election day but were away for enumeration and during the revision periods.

The member for York South again mentioned the advance polls, the polling dates and so on; maybe this could be and should be incorporated. We should do everything possible to ensure that those who wish to vote and should vote have access to the polls. I do not see any great impediment to amending the legislation so that this can come to fruition.

In closing, we have before us a resolution which means reducing the time spent on elections and the interminable boredom on the part of voters. If legislators here do not like it, I am sure the voters out there will be very grateful. There will be no detriment to the communication of issues because of technology.



An editorial in the *Star* endorsed this on May 24, saying: "Shorter, sharper election campaigns would benefit Canadian democracy by concentrating debate and focusing public attention on the issues and policies involved." It goes on, but I will not quote further other than to say that it could be very appropriate reading for members.

The concept has a great deal of public and popular support, and it has been expressed here in the Legislature in the past. It is a concept that is practical and workable; therefore, I hope it will receive the support of this House. Again, I commend my colleague from Sault Ste. Marie for bringing forward a very timely issue. I only wish we were debating an amendment to the actual legislation so we could get this little piece of work done and out of the way to the benefit of the electorate of Ontario.

**Mr. Mancini:** Mr. Speaker, we are now debating ballot item 23, brought in by the new member for—where's he from?

**Mr. Blundy:** Sault Ste. Marie.

**Mr. Mancini:** From Sault Ste. Marie; I am sorry.

I believe we have missed the fundamental point of what this ballot item would do to the election process. I, for one, cannot support the member for Sault Ste. Marie. I do not believe that 37 days is an excessive election campaign.

I represent a riding that is almost 42 miles long and approximately 20 miles wide. We have many large communities, with anywhere from 2,000 to 10,000 people, scattered about the riding. In no way could I, as the candidate for the Liberal Party or, I am sure, the candidates for the Conservative Party or the New Democratic Party do those people justice in a 30-day campaign. We can barely get around to see them in a 37-day campaign.

What some of the honourable members from the Conservative Party have forgotten to mention, and one of the most important philosophical points we should address ourselves to, is not the synthetic communication we have today. People can see us on television and hear us on the radio, but that is not what the people of Ontario want to see or hear; they want to see the candidates in person and they want to talk to the candidates.

[4:15]

**Mr. Pope:** Tell that to your leader.

**Mr. Mancini:** I will just ignore the crummy interjection.

The people want to see the person who wants to be their elected official. Usually, the only time in a four-year period the people of this province can really confront a candidate

and have his undivided attention is in an election campaign. If all of us do not agree to that, I do not think we are being totally honest. At that time we, whether we want to or not, must give our undivided attention to that constituent who has confronted us about a concern or about a policy that any of our parties might endorse. The member for Sault Ste. Marie wants to take away seven days from these constituents who should have that right.

It is said we are being inundated by campaign advertising. All of us know we cannot advertise more than 21 days before polling day. That is not very long. In my riding we have five weekly newspapers. That means I get three ads in the whole election campaign. I do not think that is inundating my constituents and I do not think they consider it that way.

They say the leaders are on TV and the radio every night. What is wrong with that? What is wrong with the leaders of the three political parties who might in the Premier's chair after the election taking the time to explain explicitly to the people who will have to live under their policies what these policies are and what they mean to the future of Ontario? Why are we so afraid to confront the public? Why do we want to limit the time we have to explain what we stand for? This is a fundamental thing. I cannot understand limiting it.

We have dealt with these other frivolous issues as far as expenditure is concerned. As the member for York South said, if we are concerned about expenditure let's limit our expenditure. Then the Attorney General of this province (Mr. McMurtry) won't be able to spend as much as he did in the last election—or the member for Armourdale (Mr. McCaffrey), who spent piles of money.

We also expressed concern about the voters list. What the voters list had to do with this resolution, I will never be able to understand. Very clearly in front of us is the discussion of a ballot item which shortens the number of days we have in an election, and the member for Mississauga South spends half of his time speaking about the voters list, and whether we should have—

**Mr. Kennedy:** It wasn't half.

**Mr. Mancini:** A third of his time then—about whether we should have a permanent voters list. I want to remind the member for Mississauga South we had a debate in this Legislature about a permanent voters list some time ago. All members at that time had an opportunity to talk about a permanent voters list. As I recall, that resolution was



voted down. So the House has already given its opinion on a permanent voters list.

I want to quote the Manitoba Law Reform Commission in May 1977. It had addressed itself to this concern, which some members opposite seem to be overly concerned about.

Just one more point, before I quote the Manitoba Law Reform Commission. In this parliamentary type system, the incumbents of this Legislature have an enormous advantage over people who want to unseat them. As a member I acknowledge that. Maybe some time in the future the election expenses commission or some other body might have to do some type of study on this.

I think we as incumbents have an enormous advantage over the people who want to get elected when they are running against us. All of us know all of the benefits we have as incumbents. This shortening of the election period I believe is just another way of making it more difficult for an incumbent to be defeated.

I personally am not concerned. If we want to give the people running against us all the advantages we have, it doesn't concern me a bit. I think they need those seven days and the people in all the ridings need those extra seven days to get to know them as best they can.

Going on to the law reform commission of Manitoba, in their report in 1977—Mr. Speaker, how much time do I have, sir?

**Mr. Acting Speaker:** About two minutes.

**Mr. Mancini:** I will quote sparingly, then. It says here—and this has been prepared by an august group—"By most accounts, some of which are noted in this paper, it is our politicians, elected professionals and active amateurs, who regard election periods as being too long. It is their thought that the electorate resent being involved in elections and the briefer and more infrequent elections the better." That is what they summarize as the thoughts of some of the elected people.

I am glad to say, Mr. Speaker, I am not one of those persons. I believe we have to give the electorate the benefit of the doubt, that they do want to meet political candidates, they do want to have time to speak with them and they do want to have time to hear what their policies are and what they will do for their constituents after they are sent to the House.

**Mr. Bradley:** You're not afraid of democracy.

**Mr. Mancini:** I am not afraid of democracy, no.

**Mr. Foulds:** I rise to oppose the resolution. I hope the member will understand,

because I don't question his sincerity; however, I believe the resolution is misguided.

First of all, no one denies—none of the speakers today and I don't think anyone the member has talked to denies—that the federal election is too long, but let us not confuse the federal and provincial elections. We could fit two provincial elections into the time frame of a federal election, except for seven days.

The honourable member mentioned that BC has a short election period. BC has a 35-day election period; that is only two days shorter than Ontario's. So I think the argument vis-à-vis the federal election does not wash.

I would like to point out to members of the House the province of Ontario is as diverse regionally as is Canada itself and that 37 days is the minimum we should have to speak to the concerns of the various regions of Ontario, because the issues frankly do vary from region to region. The concerns and the issues in southwestern Ontario are substantially different from the concerns in eastern Ontario or northern Ontario or Metropolitan Toronto.

You need time to enunciate the issues about northern development and about urban growth in a metropolitan centre like Toronto. You need time for the leaders of the major parties and the minor parties to enunciate those across the province, so we know what northern development has to do with relation to growth in Metro Toronto and vice versa. We need to know the three leaders of the current major political parties are speaking consistently across the province.

The member who proposed the resolution suggested that with the advance of the electronic media we don't need to have as much personal campaigning, as much face-to-face campaigning, as we have had in the past. I have some very grave reservations about the direction of the electoral process in the western countries as a whole because in the electoral process we are beginning to use the electronic media, naturally enough, in the way every other person who wants to sell a product uses the electronic media. Whether you are selling a can of tomatoes or you are selling Bill Davis in the 1971 campaign, one of his key workers as quoted in Jonathan Manthorpe's book *The Power* and the Tories said it was the same thing.

Frankly, I think it is a mistake to reduce the complex issues that face a society, issues which should be the life and breath of an electoral campaign, to the 30-second or one-minute television clip or even to the 10-minute political talk clips. Let me remind



the honourable member that the electronic media are one-way media. The electorate can't talk back to the box or the radio and the electorate should be able to talk back to the leaders of the parties and to the candidates during an election campaign.

I resent the implication that MASH is more important than electoral politics. I resent the implication that the American sitcom is more important than a serious discussion of politics and that people shouldn't hear William Davis because they might miss Archie Bunker.

**Mr. Breough:** Same thing.

**Mr. Foulds:** I'm not going to touch that one. I didn't say the same thing.

Two speakers have already said if the objective of this resolution is to limit campaign expenditure and limit the cost of elections to the public, then let's do that. Let's put a limit on how much can be spent in each riding. Let's put a limit on how much can be spent on the media. We can live with that on this side of the House, let me tell you, Mr. Speaker. That would make the rules a lot more equal and would save the taxpayers and the contributors to the political parties a fair amount of money.

People have already mentioned that this resolution and the shortening of the campaign would favour the incumbents. It would favour the incumbents of all parties, but especially the government incumbents.

I want to deal with one last point at some length. How much time do I have, Mr. Speaker?

**Mr. Deputy Speaker:** Four minutes.

**Mr. Foulds:** Four minutes. I want to deal for four minutes with what is my major concern.

I believe the honourable member has been suckered by his colleagues to present this resolution and he has betrayed the north.

**Mr. Breough:** The real reason comes out.

**Mr. Foulds:** Because, Mr. Speaker, the member comes from a northern riding. Using the electoral map here in front of me as my audio-visual aid, it could be seen that Sault Ste. Marie is probably the smallest riding in the north, closely followed in size by Sudbury.

It may be that one can cover Sault Ste. Marie and Sudbury in a 30-day campaign, aside from the problems of enumeration and so on. But I ask the honourable member to consider how one covers a riding such as Lake Nipigon, which the map doesn't even complete, and how one can cover Kenora and even Algoma, which is next door to the honourable member's riding, adequately in 30 days.

I suggest one can't. I suggest that not only the incumbent, but people in opposition to the incumbent, would have terrible difficulty making contact with a bare majority of voters and the media simply doesn't reach them. They don't have television in Winisk; they don't have television in those northern communities. In the ridings of Kenora and Rainy River the major part of their television, radio and newspapers come from the western provinces. One simply can't communicate with them.

As candidates in an election, we should be willing to face the electorate. We should be willing to face them for 37 days and when we have a riding of 114,000 square miles like Lake Nipigon, we should allow those people the contact they deserve with their candidates. We should not try to circumscribe that and cut it short. We should not say to them that their candidates don't have the time to get up to those small, important northern communities because they are a part of Ontario too. They really are part of Ontario and may very well be the lifeblood of this province, not the urban centre here in Metropolitan Toronto.

[4:30]

I have a relatively small northern riding. My riding is as large as that of the member who just spoke—20 miles by 40 miles. That's a small northern riding, and I can barely cover it in 30 days because most of it is in a large urban centre, but I have small communities I would like time to visit and I would like my political opponents to have time to visit.

Interjection.

**Mr. Foulds:** No, Mr. Speaker, now the member mentions that, this resolution favours the wealthy party; it favours the wealthy candidate, because my Conservative opponent managed to spend \$42,000 in a losing campaign. They spent three times as much on the media and everywhere else than our party spent in the campaign.

That comment by the member for Algoma-Manitoulin really shows—and the interjections of the government House leader—what the government is up to with their kite-flying expeditions. Remember the government House leader actually seconded it, even though he wasn't aware he was going to.

**Mr. Gregory:** On a point of privilege: The honourable member well knows I am not the government House leader. I would ask he withdraw that remark.

**Mr. Foulds:** I certainly withdraw the remark about the government House leader. I



attribute it to the chief government whip. Have I got it right now?

**Mr. Kennedy:** No.

**Mr. Foulds:** I think the government is deliberately trying to curtail the rights of the electorate to contact their candidates and of the candidate to contact the electorate. For that reason, I oppose it; I oppose it in principle. I oppose it particularly as a northerner because the resolution discriminates particularly against northern ridings.

**Mr. Cureatz:** Thank you very much, Mr. Speaker. Might I say I'm very pleased to participate in this debate.

I have a few opening remarks. The first is I found the comments made by the member for Port Arthur very interesting and actually I'm a little sympathetic with him. I think he is right when he made reference to the news media and to the aims of the western societies in using television. I don't think we really fully appreciate yet the kinds of contact made in using that kind of advertising in, for instance, the political field. I think we're only becoming aware of the kinds of problems we're having in advertising in general, be it radio or television. I think that's a very important point. That's an issue that would have to be studied to a further degree before we think of reducing the time frame to the 30-day period.

I'm also sympathetic in regard to visiting areas. I have a very unusual riding. I'm involved with the city of Oshawa and a large rural area, and I'm continually on the road meeting people, but as a politician I feel that's what our job is all about. We've got to meet the people.

It's one thing to express our views and concerns in the press or on television, but it's another thing to get out and meet people. Quite often, people are not overly concerned about issues, but they want to know who their representative is, who their man at Queen's Park is, so they can relate to him and feel confident they have a representative who attempts to try to reflect their concerns.

Let me touch base on a few other of my concerns. I think it would be appropriate in rising to participate in this debate to centre my remarks on possible changes to the system by which we enumerate the electorate in this province. This is because the largest factor contributing to the evolution of our present writ period is the time required to collect and process a list of voters' names. No doubt the means by which voters lists are prepared has changed through the course of time, and as a result the current writ period could be reviewed on that basis.

However, there are one or two difficulties that might become apparent in the proposal of the 30-day period which I should like to mention. I don't necessarily think there are insurmountable difficulties, but since our present system of running elections is a smooth one and by and large quite a successful one, I think any changes we make must be carefully considered indeed. Firstly, under a 30-day writ period, enumeration as at present practised would of necessity have to be carried out almost immediately. The names of enumerators would have to be submitted almost on the day of the writ issue and training promptly begun. As I said, this would not be an impossible task, provided everyone was well organized in advance.

**Mr. Bradley:** Are you for or against, Sam?

**Mr. Cureatz:** Secondly, I wonder how this shortened period will affect revision of the voters list. I understand from recent trials in provincial by-elections that revision can, with a certain amount of ease, be carried on right up to the day prior to polling day. Presently the revision period extends from the 17th day to the 12th day prior to polling day. If revision were going to be successful under the 30-day proposal, I think a suitable period of time would have to be set aside as breathing space between the printing of the voters list and the beginning of the advertised revision days.

There is a possibility that under a condensed election calendar, lists would be distributed but not circulated among the electorate fast enough to take advantage of revision days. Mr. Speaker, I am attempting merely to illustrate that a 30-day writ period is likely the shortest space of time Ontario could have in order to run an operational, effective election. A 30-day election calendar would be very tightly scheduled.

Other provinces do have shorter than 30-day unit periods. Newfoundland has a 21-day election, and in Prince Edward Island an election can be as short as 26 days. Alberta and Quebec each have 28-day periods. It is interesting, however, none of these provinces has a discontinuous voters list. Each practises either some form of continuing electoral roll or discretionary electoral revision during election year.

Saskatchewan has a writ period which runs anywhere from 28 to 34 days. Like Ontario, they have enumeration and revision at each election time. But unlike us, Saskatchewan's population is largely rural and considerably less dense. Enumeration is not nearly as complex an affair in that province.

**Mr. Acting Speaker:** The honourable member's time has expired.



**Mr. Cureatz:** Thank you very much, Mr. Speaker. I merely conclude that on balance I will support this resolution proposed by my colleague, the member for Sault Ste. Marie.

**Mr. Bradley:** You are a good party man, Sam. They'll remember you.

**Mr. Acting Speaker:** The member for Sault Ste. Marie for five minutes.

**Mr. Ramsay:** I will just make a few comments to sum up. Referring first to the remarks made by the member for St. Catharines, I agree completely with him in respect to voters lists. I am not advocating the use of a voters list at all. I believe in the enumeration system.

**Mr. Foulds:** The Tories don't want a list at all.

**Mr. Ramsay:** A permanent voters list is what I am referring to. I am a little disappointed to see that the member for York South isn't in the House. I wanted to respond to one of his comments. I think he implied this was a trial balloon and that the motivation had come from the government to test it in this respect.

**Mr. Bradley:** Who would ever believe that?

**Mr. Ramsay:** I appreciate that the member doesn't know me too well, but I certainly have no hesitation in indicating that there was no conversation with any of the party leaders in drafting this proposal and coming up with the resolution. In fact, once I indicated what the resolution was going to be about, several members of this caucus indicated they could not support it.

**Mr. Bradley:** Are they going to block it?

**Mr. Breagh:** Is the pope Polish?

**Mr. Ramsay:** I just wanted to make that point.

**Mr. Kerrio:** We don't do things like that.

**Mr. Ramsay:** I don't agree too often with the member for Port Arthur, but he does make two excellent points. One of them caused me a fair amount of soul-searching before I prepared my remarks, and that was the size of some of the ridings in the province. I realize that is a problem in a few of them.

I also agree with another point he made. I thought I had made the same point, but he indicated that I did not. I am concerned about the fact that television is used too much. I say that as a person associated with the media. I wholeheartedly agree that we should have as much face-to-face campaigning as possible. I would be horrified if I thought we were at the stage where we were running campaigns through television to try to reach people. I have always been

frightened about the power of television, particularly so when it comes to election time.

**Mr. Bradley:** Keep on growing the way you've been going.

**Mr. Ramsay:** The only other point I would make is that it was suggested that it takes a while to gear-up campaigns, that if a snap election is called it is not always possible to get things going and that the advantage is to the government. I would suggest that the New Democratic Party have given us all an excellent example over the years of being prepared during elections. I feel they have made great strides in this respect and I just can't understand their logic in suggesting that this would be a deterrent. I would think if anything they might have an advantage when it comes to a snap election because usually they are better prepared than the Conservative and Liberal Parties.

With those few comments, Mr. Speaker, I would again ask for the support of the House in this resolution that reads that, in the opinion of this House, the government should give consideration to the reduction of the writ period for provincial general elections and by-elections to a length of 30 days.

## HEALTH SERVICES

**Mr. Ruston moved resolution 21:**

That in the opinion of this House the government of Ontario should initiate serious negotiations with the Ontario Medical Association to ensure that Ontario doctors, in particular general practitioners, are compensated fairly in comparison with doctors in other North American jurisdictions, and that once such a compensation scheme is decided upon, those doctors who feel it is inadequate and who opt out of OHIP be obligated to opt out completely. And furthermore, that the government of Ontario review the whole field of institutional health care to ensure that adequate personnel and adequate beds—active treatment, chronic care and nursing home—are available to care for the needs of all the patients of Ontario.

**Mr. Ruston:** I recall the first resolution I presented to this Legislature back in June 1970, concerning tax rebates on agricultural land. At that time, although resolutions or bills were debated for one hour, there was no vote taken on them. I was pleased then to have my resolution adopted by the government and within six months the farm tax rebate system was borne. I am not expecting quite as good a result from this one, but, however, one always has hope in politics. Of course, the Minister of Health (Mr. Timbrell) today has sent over to me some new



system he has in negotiations with the Ontario Medical Association, so we see some hope already.

I suppose there has been some confusion over the last few years with regard to how the medicare system works and to the medical profession. Perhaps first I could put on the record certain interpretations of coverage and so forth:

An opted-in doctor bills OHIP and accepts the OHIP benefits as payment in full.

An opted-out doctor bills his patients, who are reimbursed by OHIP to the amount of the OHIP benefit. The patient is responsible for anything above this. However, the doctor must depend on the patient to pay for all of the services rendered to him by the doctor, which in some cases could mean outstanding accounts at the doctors' offices. I have heard of opted-out doctors who find that up to 15 per cent of their accounts are very difficult to collect, if they can be collected at all.

I recall my family doctor of many years ago telling me he had had enough money outstanding in his accounts that he could have retired at the age of 50, but he could not collect the money. He was very pleased when Windsor Medical Services was formed and guaranteed payment up to 90 per cent of the medical association fee schedule. Windsor Medical Services payments varied for each year, depending on funds available. At one time I believe the payments did go as low as 60 per cent of the medical association fee schedule, but this was increased when new monthly rates were set.

[4:45]

I believe very strongly that medicare, which includes doctors, hospitals and nursing home beds, should be available to all citizens of Ontario regardless of their ability to pay.

I feel the worry our parents had about their ability to pay doctors and hospital bills should not be thrust upon the residents of Ontario today. I believe if the government of Ontario has a sincere desire to see that medicare works, it can sit down with the medical profession and surely between them a fair and equitable fee schedule can be worked out which would prevent our doctors from opting out.

I realize that in all probability we cannot pay what the doctors in Texas would make, knowing what Texas is like, but when I refer to the North American jurisdiction in my resolution, I mean similarities such as those which are outlined in the union agreements we already have with the auto makers

where wages in Canada and the United States are similar.

My main concern is to point out that the present government here has not, in my opinion, been completely committed to a true health-care plan accessible to everyone in this province. I believe that if the Minister of Health and the rest of the government put their minds to solving this problem, they could come up with an understanding with the medical profession that would put to rest the many concerns people in Ontario have about doctors' services.

If this was accomplished, I feel we could put into effect a plan similar to that in Quebec. That is, if a doctor opted out, he would be completely out and could not bill OHIP for any part of his services rendered. Of course, neither would the patient be able to collect from OHIP since the doctor opted out and would not be recognized.

I realize this would not be acceptable to some of the medical profession, but I want to reiterate that if we put together the collective minds of government and the profession, surely we can have a plan that would be acceptable to all and second to none.

Since I have worked as a secretary-treasurer of a prepaid medical co-operative, I suppose I feel a little closer to this problem than some of my colleagues in this House. In running our co-operative, I made a point to honour all bills submitted by the doctors and to have them processed as soon as possible. I find that the present payment system in OHIP is far from adequate and does not offer prompt payment of claims.

With the computer systems available today, it seems to me we should be able to process claims in a matter of days. I understand that in Saskatchewan claims are paid as quickly as a week. So why can't we keep doctors' claims processed even twice monthly instead of the present system where doctors sometimes wait for four to 10 weeks?

I want to stress that I do not favour any system that would put doctors on the payroll as public servants. I still feel the fee-for-service system is the best available for good medical care.

The resolution we're discussing today states that the government of Ontario should review the whole field of institutional health care to ensure adequate personnel and beds—active treatment, chronic care and nursing home—are available to care for the needs of all patients requiring such service.

The matter of available beds is probably of more concern to the general public than the problem of doctors opting out, when one sees the number of letters and telephone calls



that are received about the difficulty in obtaining a bed at many hospitals. It is appalling, particularly when we are supposed to be living in a land of affluence. I have personally dealt with a number of these cases and I've had to ask the minister's staff to intercede on our behalf.

I would like to read parts of a letter I have received from a hospital patient. I will leave out the names as requested by the sender to avoid any embarrassment, as has happened in the past. In most cases, I must say the news media has a tendency to editorialize and this can cause some embarrassment to the patient in complaints of this nature. I only accept these letters from people who are willing to sign them, but I always check with them and respect their wish to remain anonymous.

The letter is addressed to myself: "I am writing to you to let you know I give my full support to your acts in the Ontario provincial government. As I write this letter, I am in hospital recovering from a heart attack. There is always a long line of people waiting for a bed in this hospital. Some could be life or death.

"For example, my friend, who is on a disability pension because he had a heart attack, had been waiting three or four days to be admitted to this hospital with his life slowly ebbing away. His poor wife had to sit by watching him slowly die. She was helpless. Many times she called her doctor but was told there was 'no room in the inn.' As soon as the hospital had room, he would put him in for hospital care.

"Finally, my friend's wife got so nervous and upset when she saw her husband slowly deteriorating she called an ambulance and had him taken to the emergency of the hospital where he had to be kept for two and a half days before they could give him a room. Thank God for small mercies. She had enough sense to send him this way because probably he would have just lain in bed at home until he died.

"The Bible asks us, what is the price of a soul? Then it says you can gain the whole world and lose your soul and you have gained nothing. I ask those members of the Ontario provincial government what price they would put on their life if they were the poor peasant that needed a bed in the hospital to have his own life.

"Mr. Ruston, I am glad to see someone who has the nerve to bring this need before the Ontario cabinet and government. Just a little support for your fight to retain the much-needed beds in our hospitals."

I would also like to quote from an article in the Windsor Star of June 14, 1979, reporting on the subcommittee meeting of the social development committee held in Windsor on June 13: "Mrs. Carter, a retired schoolteacher, told the committee she fell during a wind storm April 5 and was taken to hospital but not admitted. She said hospital officials told her there were no beds. Mrs. Carter said hospital staff knew she lived alone and was unable to walk. 'I was in intense pain and no way could I walk,' Mrs. Carter said. She lay on a friend's chesterfield for a week in intense pain before her daughter came to visit and insisted that something be done. She said her doctor told her to go to hospital by ambulance where she was admitted and placed in traction for three weeks. She said she was placed in the cardiac unit because it had the only bed available. Mrs. Carter said she has 'all kinds of health insurance' but 'none of it of much good to me at this time.'"

I would also like to say that the matter of allocating chronic-care beds in hospitals prior to making arrangements for active-treatment beds is also of great concern to me. I was reading an article in the Windsor Star of June 14, 1979, about a public meeting on health care with a panel of four doctors who were taking questions from the audience. A Dr. Heckadon gave statistics showing that on Tuesday night Hotel Dieu Hospital kept 13 people waiting.

"He gave statistics showing that on Tuesday night, Hotel Dieu kept 13 people waiting in the emergency department for a bed, five waited at Metropolitan and two each at Grace and Windsor Western-IODE unit.

"But the same hospitals showed that they would not have had to make patients wait for beds if some of their beds had not been taken up by people who did not need them.

"He said the number of people taking up active beds at Hotel Dieu who really only needed to be in a nursing-home or chronic-care bed was 54 on Tuesday, at Met it was 36, at Grace 33, and the IODE had 15 such patients.

"But there is a waiting list for nursing-home beds in Essex county, and the province will not allow any new ones to be built.

"If we could unclog that system, if we had nursing-home beds and chronic-care beds, if we could unload this backup, we could help solve this problem of shortages of active beds," Dr. Heckadon said."

I have sympathy for the doctor with this dilemma facing him, when he is told that there are no beds available and he must de-



cide whether his patient is a real emergency or whether it can wait for a day or two or even a week or to put the patient into an overcrowded hospital.

I am also concerned about the workload of the nurses and their assistants. I have been advised about the low morale of the staff with regard to the cut in complement.

The backlog in nursing beds in the county and the city of Windsor is about 100, and yet the minister will not permit an additional nursing home to be built or beds added to the existing homes. I can assure that nursing homes would be built immediately if the okay was given to go ahead.

I would like to go over the Ontario Medical Association rates of 1969, which I have here in the OMA book I used when I was secretary-manager of the Essex County Medical Co-operative. A general assessment by a general practitioner in 1969 was \$15. In the 1979 OMA schedule, it is \$28; in 1979, OHIP pays \$19.50 of that amount. Partial assessment: 1969 OMA schedule \$5.50; 1979 OMA schedule \$11; OHIP pays \$7.70.

Specialist: consultation, internist, \$35 in 1969; 1979 schedule, \$73; OHIP pays \$50.90. General assessment, office, \$25; OMA schedule, \$46; OHIP, \$32.05. Obstetrical care, specialist, \$165 in 1969; 1979 OMA schedule \$330; OHIP pays \$230. Obstetrical care, general practitioner, \$69 in 1969; OMA schedule, \$125; 1979 schedule, \$300; OHIP pays \$209. In most cases in 1969 Windsor Medical and Co-op paid at least 90 per cent of the OMA schedule and you will notice, Mr. Speaker, that in most cases OHIP pays from 60 to 70 per cent of the OMA schedule.

To compare, here are some examples of wage earnings. In 1969 at General Motors, in Windsor the auto workers' wage per hour in 1969 was \$3.23; in 1979, \$7.30; cost of living allowance in 1969, 12 cents, for a total of \$3.35; cost of living allowance in 1979, \$1.02, for a total of \$8.32. I realize that the leader of the third party, the member for Ottawa Centre (Mr. Cassidy) says, in reply to an article in the *Globe* about my resolution, that comparing wages at General Motors and doctors' income was irrelevant. I know that he studied economics but if you ask 10 economists how to solve our fiscal problems, you will get 10 solutions, probably all different.

It should be the responsibility of the medical profession and the government to see that fair compensation is made to those people who care for the sick. It would certainly seem to me that we should not ask a doctor to see a patient in the doctor's office for less than \$10 with today's inflation rate,

when the doctor must supply a nurse and/or office staff and all the facilities. I would like to see any of the members here who are lawyers, chartered accountants or in any other profession who would give their services for less than \$10 and have the equipment, at no small cost, that a doctor must have to carry on his practice.

Mr. Speaker, it is time that doctors resumed the place they had in society many years ago as the backbone of the community with the rightful loyalty and esteem of the people they serve. They should be allowed to carry out their duties in such a way as to have the respect of the citizens of Ontario and we, as legislators, must give them the opportunity to serve the needs of the community proudly.

I would like to reserve any available time until the windup.

**Mr. Deputy Speaker:** There will be four minutes reserved.

**Mr. Breaugh:** Mr. Speaker, I have changed my mind about this resolution. A few days ago, when I saw it on the order paper, I thought the member for Essex North does not have a reputation of being an obnoxious person, he's quite friendly, and, as soon as I read the resolution I thought it's mother's milk to the hilt and one can't be opposed to that.

I have changed my mind because of certain actions on the part of the minister himself and certain things that have happened in the social development committee over the last little while. It's now clear to me that enough pap has been said.

We are all in favour of doctors. None of us are against the medical profession. We love them. That should not mean, however, that we are not allowed to have some serious and straightforward discussion about what's right and wrong about OHIP. Surely in a free society, we at least should have that opportunity to speak one's mind, to offer an opinion without being castigated as someone who is totally evil and opposed, almost in principle, to the notion of doctors.

I am not going to support this resolution because I think the time has come to lay it out much straighter that does this one and it touches bases on almost everything you can name in the provision of medical services.

Let me provide my reasons for that. I listened this afternoon to the minister saying once again there's a new kind of negotiation under way between the OMA and his ministry to arrive at the fee schedule. This resolution calls for a similar thing, a serious set of negotiations which I think clearly implies



that up until now there has never been any serious negotiation. That much I happen to agree with. But there is no sense in seriously negotiating anything unless both parties at that bargaining table are prepared to abide by the decisions. In other words, there is no negotiation unless both parties agree that what they decide upon at that bargaining table applies to both sides and to everyone. [5:00]

To use the trade union analogy used in many places, what would happen if a trade union went to a bargaining table, the negotiators accepted the agreement, and some of the membership said, "We don't like that," or another part of the membership said, "That is fine for starters, but in addition to that here is the extra fee we want"? It wouldn't fly. It wouldn't be allowed. It wouldn't be seen to be fair. It wouldn't even be seen to be reasonable.

I think, Mr. Speaker, the time has come to negotiate that fee schedule in a very serious way and to have it binding on both parties, so afterwards neither the minister nor his officials in OHIP can downgrade that fee schedule which they have done and medical practitioners could not expect more money than what has been agreed upon at the bargaining table.

I think it is clear now that we need to deal with those negotiations much more seriously than ever before. But there is no sense in doing that unless we agree that that is where we will decide what doctors will get paid for what in Ontario. That seems to me to be a step that must happen and which is overdue in fact.

I am not opposed to anyone getting a fair wage. That part I can certainly support in here. In fact I do agree that general practitioners are coming out on the short end of the stick in the negotiating under the current fee schedule. It strikes me that they are the backbone of the medical profession and have not been adequately compensated. That is not to say that there is an easy mechanism to sort that out, but it is to say, as a matter of priority, I do not feel they have adequately been represented by their own negotiators at the bargaining table and that there is some redress needed in the system.

Mr. Speaker, there are a number of things one could say about letting doctors opt out and what one does with them at that point. I guess for me it comes down to this point of view.

I do not think that the Ontario Health Insurance Plan operates for the convenience of the medical profession. That isn't the pur-

pose of the exercise. That plan and all of the hospitals we build and all the people we train and the machinery we provide and the expertise the people of Ontario pay for is not there for the convenience of any one group. It is there to serve the public of Ontario.

My prime concern is not whether or not, if a doctor opts out, the hospital doors are locked on that doctor. My concern is not that patients are billed directly on their own or that they are not allowed to bill OHIP if they use an opted-out physician. My prime concern is the patient per se; the people of Ontario who fund the system. I believe that for that kind of money they have a right to expect medical services at an agreed-upon rate. That is clearly the case now in Ontario.

So I do believe there are things that need to be done. I am not prepared to accept that this answer is the ultimate answer. I am not at all convinced that by taking opted-out physicians and saying, "You are blacklisted. You will not be allowed to use the hospitals. You will not be allowed to use any of our medical services," would do the patients much good. If my purpose was to nail the doctors, to somehow provide them with some form of penalty, perhaps that would do it. It wouldn't do it for the rich in Ontario but it certainly would do it for the poor of Ontario.

If my prime concern is patient care, then I think I cannot accept that part of the resolution as being a workable answer. It may well be and perhaps that could be fleshed out in some words not contained in this particular resolution, but I do think we need to be mindful of that.

Mr. Speaker, there is that remaining nagging question: What does one do with doctors who opt out? And should doctors be allowed to opt out? Some have brought into question here the matter that in the province of Quebec they have a somewhat different formula for doing that. I make no bones about it. From my personal point of view, doctors are part of the society in this province. Like me and every other member of this House, every other member of our society, we sometimes learn to live with restrictions on our freedom. In some cases, it's not for our own personal good but for the good of the public at large.

I don't like to pay taxes, I don't like to have to have a driver's licence, I don't like a number of restrictions that are on me. I accept them because I am part of this society. For the good of everybody, including myself, in the long run, I accept some restrictions on what I can and can't do. I think



frankly the time has come for the medical profession and the government of Ontario to face that issue. They have never faced it in this province.

In my own personal perspective I can see some cases where doctors, for whatever legitimate reason, may want to opt out and may have to opt out and where the practical answer is to allow them to do so. I can think of some isolated incidents which cover that contingency, but, in the main I believe doctors are part of this society and should be funded through that public system. They use the public facilities we have. They accept the subsidization of their own education and the education of those who work around them. I am in favour of that totally and I am in favour of expenditures of a rather large scale in the medical field.

In looking at government priorities of this current day, while I might say there is a need to practise some restraint, I cannot believe in my own mind that a government has got money to hand out to the private sector with no strings attached but no money to fund hospital systems. I think that is a wrong set of priorities. I am prepared to do that kind of funding. I am not prepared to hand out unlimited amounts of money. I am prepared to have a calm and rational discussion of that, which we have had in several quarters around this House in the last little while.

I want to conclude by saying that my basic premise is simply that the time has come for the medical profession, for the ministry, for the members of the government, for members of this House and for the public at large to sit down and have it out nice and straight without any of us feeling recriminations that the other side is holier than us or that they have possession of all the facts or that there aren't any problems.

There are serious problems in the provision of medical care in the province of Ontario. It does none of us any good to try to hide that or sweep it under the rug or to look for a simplistic answer. The time has come for doctors to stop being so sensitive so that other people might dare to discuss what kind of money they make or how they practise medicine. That is an unreasonable request on their part. The time has come to look at it straightforwardly, to decide our priorities, to put them in place, to ask a large number of people to participate in the process and, most important of all, to remember that we don't pay this kind of money for any particular interest group. We pay it to see that the people of this province who pay that money, and pay it gladly in most in-

stances, get proper medical care. That should be the crux of the problem. This kind of resolution doesn't even address itself to that and that is why I am not prepared to support it.

**Mr. Turner:** I rise to oppose this resolution for a number of reasons. I must confess when I first saw the ballot item on the Order Paper I suspected it was a bit of a hoax. I couldn't really believe any member of this House could propose this resolution seriously because it reflects such a total lack of understanding of what this government has been doing to reach a new working agreement with the Ontario Medical Association and because it reveals a total lack of awareness of the measures the government has been taking to reshape health care in this province.

At the very least the member should consider withdrawing the portion of his resolution calling for the government to initiate "serious negotiations" with the OMA. By employing such a phrase, I would suggest the author of this resolution reveals one or two things about his own thought process. Either he has managed somehow to remain unaware of the negotiations that have been going on between the government and the OMA or he knows about the negotiations and he does not regard them as being serious. Perhaps at the time he wrote his resolution he may have considered them trivial. Whichever the case, he must surely feel obliged to revise his thinking, in the light of the announcement made in the House earlier today by the Minister of Health.

For the benefit of the member, who may not have understood or appreciated the import of the minister's statement, let me recap its highlights briefly. The government and the OMA have reached an agreement as to the process that will be used to arrive at a level of fees acceptable to the people of Ontario and to the medical profession. A committee will be established to negotiate a written agreement on a global revision to the OHIP schedule of benefits now in force. The committee will consist of three representatives appointed by the government, three representatives appointed by the OMA and a jointly appointed chairman.

I will not take the time it would require to detail the new process, but I will summarize the arrangements simply by saying there is a provision for action in the event of a majority agreement on the part of the committee. There is provision as well in the event of an impasse for the chairman to serve as a fact-finder, who will then recommend a compromise. As the Minister of



Health remarked earlier, this new arrangement will assure equity in the eyes of the medical profession, the members of this House and the people of Ontario.

In the light of this new development, I believe the first portion of the member's resolution advocating negotiations that would lead to a fair scheme of compensation for physicians is not merely out of date, I would suggest it is frivolous.

The second point in this resolution calls for a measure completely out of keeping with the spirit in which our health-care system operates. It suggests that physicians who choose to opt out of OHIP should be obligated to opt out completely. In other words a doctor who chose to opt out of OHIP would be allowed to accept only those patients who were willing to pay for his services entirely out of their own pocket. The doctor would not be allowed to hand a bill to his patient and have the patient claim even a portion of this charge from OHIP.

This arrangement would place doctors and their patients completely outside the pale, as it were. If it were to introduce such an arrangement, the government would be saying to all doctors in effect, "Either you do things our way, or operate like outcasts. You can't have a cent of OHIP money unless you knuckle under and observe the fee schedule we have endorsed."

I suggest this is no way to maintain the partnership on which our health-care system is based.

**Mr. Warner:** It is called bargaining in good faith. You wouldn't understand that.

**Mr. Turner:** The relationship between the government and the medical profession is not based on a master and servant relationship.

**Mr. Warner:** You would rather let the doctors have their cake and eat it too.

**Mr. Turner:** It is an arrangement based on co-operation, not coercion. A partnership relies on the willingness of each partner to hear and respect the needs and the wishes of the other partners. This is the basis on which we have reached the agreement I referred to earlier. It is the basis on which any arrangement should be made in regard to physicians who will remain in or choose to opt out of OHIP.

I believe it is important for all of us to remember as well that even these doctors who opt out are still partners with the government in the operation and delivery of the health-care system. As such, they deserve our respect and consideration.

I would move on now to the portion of the resolution in which the author calls upon the government to "review the whole field of institutional care," to ensure the availability of adequate personnel and adequate number of hospital beds. That is a first-rate suggestion and I would suggest it has only one thing wrong with it. It's about six years out of date.

**Mr. Warner:** Where have you been?

**An hon. member:** You're really off base.

**Mr. Turner:** Anyone who makes a proposal like that can also be expected to suggest any day now that the Pope will visit Poland. I didn't think it possible for any member of this House to be so out of touch with reality that he would consider a review of our health institutions to be a fresh idea.

**Mr. Warner:** You should by visiting a hospital.

**Mr. Turner:** How does he suppose the government has reached the decision to de-emphasize acute hospital care? Does he imagine this was done without any assessment of existing resources?

**Mr. M. Davidson:** One would think so.

**Mr. Van Horne:** I'm surprised at you, John.

**Mr. Turner:** Does he have no appreciation of the work that has been done to weigh the costs and benefits of institutional care and compare them with those of the other less-costly forms of care such as chronic, extended health care, day surgery and home care?

Does the author of this resolution realize that many of the so-called closures of hospital beds are in fact conversions from acute care to chronic care, or that many of these conversions have been carried out—

**Mr. Warner:** They are hospital cuts.

**Mr. Turner:** —to save money because chronic patients were occupying the more expensive acute-care beds? Does the member appreciate the new emphasis the government is placing on disease prevention and community health programs?

He should also understand that while this new emphasis involves a shift in financial and other resources, it is not by any means a disparagement of our hospitals or other medical institutions. They will always be a vital part of our health-care system.

The fact is, however, that our society has reached a point that while new life-saving devices will continue to be invented and used, we cannot expect them to provide a significant improvement in the general health of the public. For that improvement we must look to the public health sector and that's



why this sector has lately been allotted higher increases in funding than the institutional sector. As part of this same trend we also have introduced reforms in the financing of local health units to rationalize and improve their effectiveness.

Frankly, I'm not at all certain that these increased allocations are adequate for the job we expect to see done. I believe we must keep monitoring the situation closely before we can be sure. But I have no doubt that this new shift in emphasis is sound in principle and in tune with the needs of the people of Ontario at this time.

[5:15]

I believe it's imperative for us not only to develop non-institutional forms of care, but also to reduce the incidence of illness and injury among the public at large. Part of this latter objective can be met by public health programs such as immunization, but part relies on our ability to persuade people to assume greater responsibility for their own health.

These two trends together should make us less reliant than we have been on hospitals and other institutions. The end result should be a healthier population and lower health costs.

Finally, let me mention one additional factor that is ignored in the resolution now at hand. I refer to the decentralization of the planning of health-care resources, notably the establishment of district health councils. The government is bringing about a gradual shift in the responsibility for this function from the provincial to the local level, recognizing once again our commitment to local autonomy.

This measure has two significant advantages: first, it recognizes the public's growing desire to make decisions affecting their communities and their lives; second, it means that local health-care resources can be developed to suit local needs.

These are the major reasons I oppose this resolution and I call on other members of the House to support me in this opposition.

**Mr. Mancini:** You didn't give one good reason; not one.

**Mr. Turner:** I believe the facts I have mentioned and the trends I have described make it quite evident that every provision in ballot item 24 is either out of date, out of tune with the times, or, worst of all, out of keeping with the spirit in which the government—

**Mr. Warner:** You do a disservice to Peterborough.

**Mr. Turner:**—the medical profession, the hospitals and the people of Ontario have created one of the finest health-care systems to be found anywhere in the world.

**Mr. Warner:** You must be hiding at the Sutton Place these days.

**Mr. Riddell:** Such condemnation is not part of your nature. I didn't think you were like that. You're becoming very critical.

**Mrs. Campbell:** Mr. Speaker, unlike the previous speaker I feel that this House is indebted to my colleague for bringing forward a resolution for debate in this House at this time. I am truly concerned about the general practitioner in our society. I do not think the general practitioner has been adequately represented in the discussions with reference to schedules and I concur with what my colleague has expressed, that the backbone of the system is the one which ought to have the concern of the people of this House, of the ministry, of the profession and of the province.

There is no question either that there has to be a greater degree of enforceability of the agreements arrived at between the ministry and the Ontario Medical Association. It's all very well to talk about master and servant and to talk about all these other legal definitions, but we all have to recognize that the medical profession in this province has indeed a glorious history of achievement. No one will deny that.

We also have to recognize that in attending the university, medical students are subsidized, as are all students. I was subsidized when I went to the University of Toronto, although I must confess I didn't think so at the time.

But more than that, the doctors in our hospitals have very fine, very sophisticated equipment with which to function. All of that is purchased by the taxpayers of this province. And it should be so, I don't deny that. But I think we have to recognize there is a responsibility on the medical profession and they ought to be prepared to look at their fee schedule and then to remain within the OHIP system. Without that they may well be denying people the care they need and want.

Like the member for Oshawa, I am of the opinion that our function here is to protect the health care of the people of this province. I am not here to represent one interest group or another; I am here to do everything I can to ensure there is equal health care, as far as it can be achieved, across this province—hopefully without even that proviso shortly—but so that the people of this province have health care which they can afford under the OHIP system.



I really don't think it is so much a matter of the dotting of the i's and the crossing of the t's in a resolution of this kind, but rather the opportunity for each member in this House—who can get on the list—to express a concern in that area. I have a great regard, personally, for the member for Peterborough, as I think he knows. But for him to suggest in this House, after what we have been through in health services, hospital care, chronic care, nursing homes, that somehow we are out of date because we are all in the garden of Eden, is ridiculous and dangerous.

**Mr. Turner:** That's not what I said.

**Mr. Mancini:** You should be embarrassed, John.

**Mrs. Campbell:** I have to look at what is said in this House about community care. I have to look at the community care that has been provided in downtown Toronto; and it has been cut off. The Minister of Health has graciously consented—and the member is right when he talks about local autonomy—to permit the local board of health for the city of Toronto to continue these programs, although he says he doesn't see them as health issues. This is the government's health care in the community in downtown Toronto and its commitment to it.

As far as nursing-home care is concerned, we know the story of the inspections of nursing homes and the fact that they appear to be thrown into the discard; they don't appear to be acted upon.

**Mr. Turner:** You know better than that.

**Mr. Warner:** She's right, absolutely right. This government won't do anything properly.

**Mrs. Campbell:** As a result, in my riding I have seen clearly that the inspectors have adequately reported the problem and there has been no correction at all. And the member talks to me today about this kind of health care and that this kind of resolution isn't needed? I cannot understand it.

**Mr. Turner:** That's not what I said.

**Mrs. Campbell:** We know the problems. Perhaps Peterborough is in the garden of Eden. It is a beautiful spot. There may be a certain unreality about living there. The situation in the city of Toronto is not as he indicates. All one has to do to know that there has been no real look at health care is to see the kind of so-called plan which was produced to the committee ex post facto to try to justify the closing of Lakeshore. There has been no overview, no adequate assessment and no planning at all.

**Mr. Turner:** That is not true. How can you stand in this House and say that?

**Mr. Van Horne:** Any planning that was done was lousy.

**Mrs. Campbell:** We do need to look at our hospital care and our chronic care. People are in active-treatment beds because there is no other place for them. Believe me, we agree that people should not continue in active-treatment beds when they no longer need them. What we say to the government is that before it destroys active-treatment beds it should put in place the kind of care that is necessary as an alternative.

In closing, I would like to refer to a letter I received just recently from a constituent of mine who had moved into a Metro home for the aged. That is local autonomy. She moved in complaining that if only she had service she could have stayed in her own home. That is saving money, I don't think.

**Mr. Warner:** Among other things, it is a pleasure to follow on the remarks of the member for St. George. She speaks with truth and knowledge on the subject.

**Mr. Roy:** If you keep on that way, you will get our support too.

**Mr. Warner:** This government continues to try to ignore the problem of the health-care system, and that is evident again today. The Minister of Health isn't here. He had no intention of being here. He doesn't consider this matter important. The member for Peterborough talks in terms that reveal to us a dream world, where there are a lot of people living in a world of nightmares as far as the health-care system is concerned.

I don't know where he has been, but I have been into the hospitals in Scarborough, I have been into the Northwestern Hospital in Toronto and I have seen the cruel cuts. I have seen what they have effected upon the people. All one has to do is to talk to the people who work there, the doctors, the nurses, the other health-care workers and the patients, to find that this system cannot take any more pressure.

The government cannot continue to cut and cut and cut. What is going to give? It is quite obvious. One of the chief doctors from the Toronto Western Hospital spoke out in the media the other day. He told us what is going to happen. People will die because of the lack of adequate health-care facilities in the hospitals. That is what he was saying. And he is right. The quality of health is deteriorating, and there is no reason for it to happen. That is the sad part.

[5:30]

When we were on the select committee on health-care costs, the committee unanimously agreed that our health-care costs are



not out of line. We understood we've been able to control the costs for health care in this province because we've had a public health-care system and not a private one. Our costs are measurably less than in the United States because we have a public health-care system and not a private one. The Conservative members on the committee agreed to that, as did the Liberal members and New Democratic members. All of that seems to be forgotten as the government pursues its relentless attack on the hospitals and on the people in Ontario.

The doctors have a problem. They've got a lot of problems. Who wouldn't have a problem negotiating with this government? The problems need to be resolved. There is no question about the general practitioners. More than that, actually, the opted-in psychiatrists are not well recompensed either. They have problems, unique ones. The government hasn't solved those problems. Practitioners feel frustrated. I don't understand why the minister can't sit down and negotiate a settlement and then everyone can abide by the settlement.

Would the member expect anything like this from the teachers in the province of Ontario? Would he expect a teacher in a public school to send a note home to the children's parents saying, "I've decided to opt out and you're going to have to send me \$5 for every child in the class, on top of the salary I'm getting"? That's ludicrous. Of course, he wouldn't accept it, but he will with the doctors. He's quite willing to allow a doctor to opt out of the system but use the public hospitals, use all of the facilities in the hospital provided for by public funds, after he or she was educated in a public facility. He's quite willing to do that. They can have their cake and eat it too.

I'm telling you, Mr. Speaker, this government should recognize the doctors have legitimate concerns. There should be a negotiation but when the resolution is reached, both parties should sign on the dotted line, and that's it.

I was dismayed again today, as I asked a question of the Minister of Health. He indicated once more that as usual, in his cavalier fashion, he will dismiss the very good recommendation put forward by that select committee following on the Quebec model, where they can negotiate more than a one-year contract and tie it into the utilization rate. It works in Quebec. Their doctors aren't unhappy with the arrangement and they haven't got the turmoil we have here in the province of Ontario. Why can't he simply put that forward? I don't understand that.

I took that proposal and I talked to one of the chief executive officers of the Ontario Medical Association. He said it sounded like a very negotiable item. He'd like to discuss it further but, no, the government hadn't presented him with that idea. I don't understand why not. Has this government no imagination in trying to solve the problems? Or are they, as I suspect, trying to allow this system to deteriorate to the point which we had prior to medicare? That's what's behind it. This party fought hard to bring in medicare. We're responsible for it and we're proud of it and we'll not back down an inch.

Mr. Gregory: I don't recall you being in power.

Mr. Warner: The people of this province deserve a good medicare program and we'll fight this government every inch of the way to make sure we maintain a good medical care program in Ontario. We'll not let up an inch.

Mr. Pope: Do you want a violin?

Mr. Warner: The member for Peterborough can live in his dream world about there being no problems.

Mr. Turner: I didn't say that, with all respect.

Mr. Warner: This government must face the reality that there are not sufficient home-care programs in the community and that there are not adequate nursing-home beds and that there are problems in the nursing homes where the inspection reports are not followed up.

Where the problems exist, they are not solved. It took a coroner's inquest in the city of Toronto into St. Raphael's home before the government would pay any attention to that home. Sixty-two violations of the Nursing Homes Act over a period of months and none of them were complied with. The government did nothing. Then, unfortunately, a woman died and there was a coroner's inquest. Dr. Cass, the coroner, said there should be an investigation of every nursing home in the province—Dr. Cass; not the member for Scarborough-Ellesmere, Dr. Cass. The government sits immobilized, unwilling to act.

Mr. Turner: What happened when that was brought to the select committee?

Mr. Warner: The member for Essex North, with deep feeling for the problem, has brought forward a resolution. I appreciate the depth of his feeling about it. At least the members from two parties in this House are concerned about protecting the health-care system in the province.



I must say, with respect, I don't believe his resolution is the answer to the problem because it lacks the one ingredient that is essential. When you reach the resolution of the problem through negotiation, both parties adhere to the agreement, not just some members on one side. That has to be understood by both the doctors and the government. But the government is not ready to do that. I submit that it won't and this problem will fester; fester to the point where conditions in Ontario will be as they were prior to the inception of the medicare program, and, of course, with the obvious invitation to the old inequitable system.

We will fight it, every inch of the way.

**Mr. Watson:** Mr. Speaker, I think to begin with I have to say that the government obviously has to agree with the sentiment in the last part of the resolution in the light of the fact that most of its recommendations are being undertaken at the present time.

**Mr. Warner:** Baloney.

**Mr. Watson:** The member for Peterborough adequately expressed—

**Mr. Warner:** The member for Peterborough lives in a dream world. He belongs in a lift-lock.

**Mr. Watson:** —the current state of the working agreement, and we had a statement in the House today from the minister, so I won't repeat that particular aspect.

I really feel the second half of this resolution calling for a review of health services is a continuation of the debate we have been engaged in over the past few weeks. I don't want to imply this debate is not meaningful, because health-care practices in Ontario and the resources we have available to meet the community health-care needs are extremely important.

Perhaps I might just briefly outline my view or personal perspective of the question of the supply of active-treatment hospital beds in Ontario. All of us, I think, realize the demand for health services has experienced a dramatic increase in the past few years. In 1972, according to the estimates of the Ministry of Health, we spent just over \$200 for the average resident in this province. This year the same average figure stands at \$488. The reason for the escalation in the cost of health care is pretty obvious.

During the period since the Second World War and through the 1960s, our society steadily placed more and more emphasis on hospital services as a means to deal with health-care needs. Patients, as well as those working within the health-care system, perhaps partially due to the post-war prosperity,

began to rely heavily on institutional solutions to their health problems. Not always were the institutional answers the best means to deal with these problems. Certainly they are not the most cost efficient, considering the complex physical plants, the expensive technologies we have that are required in hospitals.

If there was a problem in the past in finding truly cost-effective methods of health treatment, then today that problem has increased. The role of the hospital as the provider of short-term treatment and treatment for acute illnesses and injuries is an essential one and one for which only hospitals are adequately suited.

In recent years, however, with increasing inflation and economic difficulties, we have been awakened to the fact that while hospital care is enormously expensive, it is often somewhat wasteful in terms of coping with health problems such as the chronic degenerative diseases. We all know, Mr. Speaker, that the general pattern of health care in our society is shifting. Our population is aging and consequently the unfortunate fact of life is that we are going to be subject to more and more of the degenerative diseases which are usually not curable.

Currently, however, more chronic degenerative cases are being cared for in a hospital setting. It has to sound a little bit cold blooded but nevertheless it is senseless for us to expect that we will experience overall improvement in the state of public health merely by spending continuously more and more on increasingly expensive technology and manpower geared to the short-term, acute-care needs.

In 1972, the Ministry of Health, recognizing this problem, began establishing a policy of de-emphasizing active-treatment, inpatient hospital care. Instead it increased the provision of alternative forms of health care, such as comprehensive chronic-hospital programs and home-care programs. These, in addition to being less costly, were, I believe, to offer patients the psychological advantage of maintaining some form of family and community contact.

Recently a great deal of criticism has been expressed in this House regarding hospital-bed cutbacks. Hospital-bed guidelines have indeed dropped from planning of five active-treatment beds for each 1,000 in our referral population in southern Ontario to a 3.5 figure. While the opposition are quick to point this out, I think there has been consistent failure to mention that Ontario's chronic and extended-care bed ratios have risen dramatically. I understand also that



the Ministry of Health is continuing to add more chronic beds in communities where there is a demonstrated need.

We can all play with figures, Mr. Speaker, and we are aware of the ease with which they can be manipulated and therefore no figures are conclusive by themselves, but to be fair, in addition to the 3.5-for-1,000 planning guideline, Ontario does have almost 12 chronic-care beds for each of our 1,000 senior citizens. Furthermore, there are 3.5 extended-care beds planned for each 1,000 residents in this province. Surely this is not representative of a systematic cutback of health-care beds. Rather it is part of the overall process of conversion to a more economical, practical and sensitive health system.

**Mr. Kerrio:** Ah, you Tories are heartless.

**Mr. Watson:** As a private member, I have little to do with the health-care services directly. I am not qualified to say whether Ontario has precisely the right number of health-care beds overall. But I do believe in what the ministry is attempting to achieve and this is, if I understand it, a redistribution of beds within the system to provide a mix or balance that will meet our present needs and our future needs.

For the present, however, I think we are going to live with the fact that some kind of system of priorities will have to be worked out in our hospitals in Ontario and, because of our economy, our planning will have to be far more careful than perhaps it has been in the past. This doesn't mean that hospitals shouldn't have strict limitations imposed upon them, but it does mean that the form of review called on for resolution must be done independently on an institution by institution basis.

I believe that we are in the process now, and for the short-term future, of a state of transition which regrettably will not always be comfortable and the wrinkles will not be as easily ironed out as we might wish.

As far as the obligatory opting out in a complete fashion as it is practised in Quebec is concerned, once again I think the member for Peterborough expressed our situation. Not only does this recommendation violate the spirit of the way we operate health care in this province, but it imposes ridiculous barriers on the practices of opted-out physicians. I presume that if the recommendation contained in this resolution were adopted, as in Quebec, doctors here who opted out of OHIP would be barred from using hospital facilities. Consequently, no doctor would really be free to practise pri-

vately. It would almost be suicide to do so. In other words, we wouldn't actually be giving physicians the option of staying in the health insurance plan.

[5:45]

The resolution calls for fairer compensation for all doctors and then turns around and tosses fairness to the wind in its requirement that they either submit to the government fee schedule or virtually give up practising medicine. I fail to see any justification for this.

For this and other reasons, I believe that all of the patients and residents of this province deserve the same coverage for health services regardless of their choice of physician, and I would oppose this resolution as it is stated by the member for Essex North.

**Mr. Ruston:** Mr. Speaker, in rising to wind up, I am a little disappointed that I did not receive a little more support from the government and members of the third party.

**Mr. Nixon:** They are thinking about your arguments.

**Mr. Ruston:** I really am a little surprised. I am surprised at the member for Oshawa, who I always felt was a fairly reasonable person.

**Mr. Breaugh:** Take that back. I won't stand for that.

**Mr. Ruston:** I will have to reconsider my thought of him, I guess, but I thought he would be supportive of proper health care in Ontario. I think that is one of the fundamental rights that everybody in Ontario should be entitled to, and I am surprised he is not in favour of that.

The member for Peterborough, the parliamentary assistant to the Minister of Health, made some rather outrageous remarks. I think the member for St. George covered that very well in her remarks.

When the present Treasurer (Mr. F. S. Miller) was the Minister of Health, he came to Windsor and had a meeting at the University of Windsor with about 300 people from the community representing different organizations, all the municipalities and so forth. The then Minister of Health got up and started speaking, and he was kind of joking every second line or every second or third sentence, trying to laugh something off. A person who was sitting near me, my late brother, reeve of one of the townships, said, "I don't know how a Minister of Health can come down here and try to laugh his way through the idea of closing a hospital."

That was Riverview Hospital, one of the best chronic-care hospitals and a place where they give the best of care. The minister was going to close it. Well, he did not close it,



and it so happens that hospital is still operating and giving good care to our senior citizens. Of course, the minister did not stay in that position very long because of other problems he had with different hospitals that he was going to close challenging him in the courts. So he went by the way.

The present Minister of Health also has been fighting hospitals as well as doctors and so on. It seems to me the adversary system of government has been working around here in the last few years. They seem to think confrontation is the way to bash the hospitals and the doctors down if they can. They are letting on to the people that they are saving the people's money, "We are just going to bash the hospitals down and save you money."

Most people feel that is not the place to save all the money; there are other places to save it. Looking across the way, I can think of a number of other places where they could save quite a bit. A lot of them are pretty useless over there.

Anyway, looking at the Minister of Health's statement today with regard to a new negotiation system with the medical profession, I think my resolution on the Order Paper for 16 days certainly speeded that up. At least if I didn't accomplish anything else I got that accomplished; so I feel a little better over that. They are piling in—they are bringing them in through the back door to block my resolution. However, I am happy that I had some success in that they are starting some serious negotiations.

I rest my case.

[6:00]

#### PROVINCIAL ELECTIONS

The House divided on Mr. Ramsay's motion of resolution 20, which was agreed to on the following vote:

##### AYES

Ashe, Auld, Baetz, Bennett, Bernier, Birch, Bolan, Brunelle, Cureatz, Drea, Eaton, Elgie, Gregory, Haggerty, Handleman, Havrot, Henderson, Hodgson, Johnson, J., Kennedy, Kerr, Kerrio;

Lane, Leluk, Maeck, McCaffrey, McCague, McEwen, McMurtry, McNeil, Miller G. I., Newman, W., Nixon, O'Neil, Parrott, Peterson, Pope, Ramsay, Reid, T. P., Rotenberg, Rowe;

Scrivener, Smith, S., Snow, Stephenson, Sterling, Sweeney, Taylor, G., Taylor, J. A., Turner, Van Horne, Villeneuve, Walker, Watson, Welch, Wells, Williams, Wiseman, Yakabuski.

##### NAYS

Belanger, Bounsall, Bradley, Breaugh, Breithaupt, Bryden, Campbell, Cassidy, Charlton, Cooke, Cunningham, Davidson, M., Davison, M. N., Dukszta, Edighoffer, Epp;

Foulds, Gaunt, Germa, Gigantes, Grande, Hall, Isaacs, Johnston, R. F., Laughren, Lawlor, Lupusella, MacBeth, MacDonald, Mackenzie, Makarchuk, Mancini, Martel, McClellan, McGuigan;

Newman, B., Philip, Renwick, Riddell, Roy, Ruston, Samis, Sargent, Warner, Worton, Ziemba.

Ayes 59; nays 46.

#### HEALTH SERVICES

The following members having objected by rising, a vote was not taken on resolution 21:

Auld, Ashe, Baetz, Bennett, Bernier, Birch, Brunelle, Drea, Elgie, Gregory, Havrot, Henderson, Hodgson, Johnson, J., Kennedy, Lane, Maeck, McCaffrey, McCague, Newman, W., Parrott, Pope, Ramsay, Rowe, Stephenson, Turner, Villeneuve, Walker, Watson, Welch, Williams, Wiseman—32.

#### POLLUTION COMPLAINT

**Hon. Mr. Parrott:** I rise on a point of privilege. I'll try to be as brief as possible. I know we're all anxious for supper.

This afternoon some questions were asked about some activity in the great riding of Oxford by the member for Wentworth (Mr. Isaacs). he questioned whether or not it would interfere with my duties. I want to put on the record exactly what did happen. It's a letter dated June 13—

**Mr. Cooke:** What about the memo?

**An hon. member:** Read the memo into the record.

**Mr. Speaker:** Order. Every member has a right to be heard.

**Hon. Mr. Parrott:** The matter of order has been discussed—by the way, this is on Ministry of the Environment stationery—with officials of my ministry and the town of Tillsonburg.

"I understand from my staff that subsequent to your letter"—and this is addressed to Mr. Jerry Turner, the person in question—"of May 14, the ministry official again visited this industry on May 23. As a result, a violation notice has been issued to Sylco concerning the orders you mentioned in your letter."

I put it on the record for you, sir, that not only did I act long in advance of knowing the answer to the question asked—



**Mr. Cooke:** Why did you put it on the memo?

**Hon. Mr. Parrott:** —but that we took a very significant action and I think very successfully so.

One of the things I didn't say earlier, and which I probably should have, was trying to determine the number of New Democrats in Oxford county. I have to look very carefully because there are so few of them.

**Mr. Martel:** What's the privilege?

**Hon. Mr. Parrott:** But that really isn't a point of privilege. The point of privilege is that I take some exception to the point made that I was not prepared to act. In this instance, not only did I act for my constituents—which I'm always glad to do—I did so even when it put me in conflict as a minister with another person in my riding.

**Mr. McClellan:** Read the memo into the record.

**Hon. Mr. Parrott:** That's the strongest possible test of how strongly one feels about working for one's constituents. I am glad to say that we Tories take that very significantly.

**Mr. Breaugh:** Read the memo.

**Hon. Mr. Parrott:** I have to point out one more thing. I am not sure how that communication arrived on that desk. But I do know that last year in committee an envelope addressed to the solicitor of the Ministry of the Environment was delivered inadvertently to the New Democratic Party offices. It was opened. The contents were photographed and forwarded. You know the reference whereof I speak. It was a very significant thing.

On the point of privilege, I think it is more serious. When mail is opened that is clearly addressed to the solicitor for my ministry, I have to say to the NDP, where are their scruples?

Interjections.

**Mr. Isaacs:** Mr. Speaker, if I might be permitted to respond, that letter came into my possession this last weekend. It was not addressed to the solicitor for the ministry or to anyone else. It was addressed to the minister's special assistant. In that letter he was asking his special assistant to determine the political affiliation of a person who had written to him as Minister of the Environment to deal with a pollution problem.

**Mr. Eaton:** It was mailed to him. How come you opened other people's mail?

**Hon. Mr. Henderson:** That is shameful.

**Mr. Speaker:** Order.

**Mr. Isaacs:** The original letter was addressed to Dr. Harry Parrott, Minister of the Environment.

**Hon. Mr. Davis:** Was that you?

**Mr. Isaacs:** The letter was attached to a memorandum which the minister sent to his special assistant, which was not marked "confidential." It arrived in my hands without adequate covering and certainly not in a sealed envelope.

The allegation that the minister has made about our opening of his mail is completely without foundation and is not relevant to the matter before us. I would ask that the minister withdraw it.

Interjections.

**Mr. Speaker:** Order. I should probably have the benefit of the remarks the honourable minister made by referring directly to Hansard. I think I heard the minister saying or accusing another member of misusing Her Majesty's mail or of opening somebody else's mail. If that was what the minister said, if that is what he intended to say, I think that is a very serious allegation against another member and it should be withdrawn.

**Mr. Cooke:** The minister should be embarrassed.

**Mr. Laughren:** That's pretty sleazy.

**Hon. Mr. Parrott:** Mr. Speaker, I think the member for Ottawa-Carleton—I am not sure, but I do not think there is any doubt that back in the committee sessions when we were discussing that most important topic, acid rain, that indeed did occur. I think that was well recorded in Hansard at that time. With the greatest of respect, sir, I brought that to the attention of the members at that time. I think it is recorded in Hansard that mail addressed to our solicitor was opened. I don't think there is any doubt at all of where it was opened and how. I have no way of retracting that because it was recorded then.

**Mr. Renwick:** Withdraw or resign.

**Mr. Martel:** There is the door. Do you want me to show you the way out?

**Mr. Kennedy:** You know the route.

**Mr. Speaker:** Order. I can't be expected to rule upon something that happened elsewhere. All I can do as the Speaker is to address myself to something that happened here and that was said here. If the honourable minister has made the allegation against a member of this House, then I must repeat, all honourable members are honourable members; if he has made the allegation that someone has opened someone's mail illegally, that is an improper statement and the hon-



ourable minister should withdraw that allegation.

**Hon. Mr. Parrott:** Mr. Speaker, do I have the privilege of going to the Hansard of committee hearings?

**Mr. Martel:** No.

**Mr. Laughren:** Withdraw.

**Hon. Mr. Parrott:** I believe there are members opposite—

Interjections.

**Mr. Speaker:** No. Order. Order. It has absolutely nothing to do with what happened in committee. They are statements made in the House as a result of your alleged point of privilege. That is the only thing I can deal with.

**Hon. Mr. Parrott:** First of all, Mr. Speaker, I did not name anyone.

**Mr. Speaker:** That is even worse. It is even worse if you refuse to name someone and cast aspersions on every member of the House. You said "a member of this House," and I think I know who it was, but by refusing to name him you have cast aspersions on all members of this House. In the interest of harmony—we have only a day to go—perhaps the honourable member would withdraw the allegation.

Interjections.

**Hon. Mr. Parrott:** Mr. Speaker, it really pains me to do so, for the purpose of staying a member of this House in good standing. I would like to have the privilege of going to the record, and I think there are members opposite who would substantiate what I have said here this evening.

**Mr. Cassidy:** Do you respect this House or not?

**Mr. MacDonald:** You are arguing with the Speaker, now.

**Hon. Mr. Parrott:** But if you, sir, in your wisdom—

**Mr. Speaker:** I have to insist.

**Hon. Mr. Parrott:** If you, sir, in your wisdom, tell me I do not have that opportunity, then I will withdraw. I do it with great regret, but I will withdraw that remark. I am sorry that I do not have the opportunity to make the case.

**Mr. Speaker:** I want to thank the honourable member for that.

**Hon. Miss Stephenson:** That's a hollow victory, you guys.

**Mr. Makarchuk:** You know how to dish it out, but you can't take it.

**Mr. Speaker:** Order. Order.

[6:15]

House in committee of the whole.

## RESIDENTIAL TENANCIES ACT

(concluded)

Resumption of adjourned consideration of Bill 163, An Act to reform the Law respecting Residential Tenancies.

**Mr. Chairman:** There are a number of deferred amendments to Bill 163.

The committee divided on Mr. Renwick's amendment to section 1 of the bill, which was negated on the following vote:

Ayes 29; nays 74.

Section 1 agreed to.

The committee divided on Mr. Renwick's amendments to sections 33 and 40, which were negated on the same vote.

Sections 33 and 40 agreed to.

The committee divided on section 42, which was agreed to on the same vote reversed.

The committee divided on Mr. Renwick's amendment adding a new section following part VII, which was negated on the same vote as the first vote.

The committee divided on sections 107, 108 and 109, which were agreed to on the first vote reversed.

The committee divided on Mr. Renwick's amendment to section 110, which was negated on the same vote as the first vote.

Section 110 agreed to.

The committee divided on Mr. Renwick's amendment adding a new section 111a, which was negated on the same vote.

The committee divided on Mr. Renwick's amendments to sections 117 and 119, which were negated on the same vote.

Sections 117 and 119 agreed to.

Bill 163 reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill without amendment.

**Hon. Mr. Welch:** Mr. Speaker, I wonder if I might have the indulgence of the House and that we do the third readings of the four bills which the committee has done, just to tidy this up before the supper break.

Agreed to.

## POLLUTION COMPLAINT

**Ms. Gigantes:** Mr. Speaker, I rise on a point of personal privilege. In the confusion that occurred earlier, I did not quite understand a reference that had been made to me by the Minister of the Environment. Apparently he thinks I sit for the seat of Ottawa-Carleton, and he should know I sit for the seat of Carleton East.



He made reference earlier to the opening of mail by me during the course of the inquiry into acid rain. I request that he withdraw that remark because it is without foundation.

A memo arrived on my desk inadvertently; it had a transmittal slip on it with the name of a person whom I did not know, and I passed the document to a researcher on our caucus staff.

**Mr. Eaton:** Who opened it?

**Ms. Gigantes:** I asked our researcher if he knew the name of the person. He did. There was no envelope. That document had not been folded. It was put on my desk with a transmittal slip.

**Mr. Eaton:** Did you make any copies of it?

**Ms. Gigantes:** For the minister to imply that I opened mail is something that he cannot give any evidence for. In fact, it is without foundation, and I request that he be asked to withdraw that remark.

**Mr. Renwick:** Withdraw it.

**Hon. Mr. Parrott:** I said the member for Ottawa East knew whereof I spoke. I did not name her as the person who opened the mail. I had to withdraw the accusation that a brown envelope, properly addressed to Mr. Neil Mulvaney, solicitor for my ministry, entered into that caucus office and came out of that caucus office without the envelope, and it was then delivered to Mr. Mulvaney. I am saying that an envelope properly, adequately, fully addressed, hand-delivered, was opened.

**Mr. Martel:** How did you know it was in an envelope?

**Mr. Cassidy:** It's not true.

**Hon. Mr. Parrott:** I believe that was put on the record when we were in committee. If that's what I'm being asked to withdraw, I will not. That is fact.

**Mr. Speaker:** Order. I think there are two separate items here. One of them was as a result of a point of privilege raised by the Minister of the Environment in response to a series of questions and answers placed by the member for Wentworth. That seems to have been dealt with.

The other question, by way of a point of privilege raised by the member for Carleton East, is that in the opinion of that member it cast aspersions upon her—or a member from the Ottawa area—about being in receipt of a sealed document that was opened and circulated.

I am not in a position to know what actually took place. The member for Carleton East said, if that is the document you're re-

ferring to, that it came, not in an envelope, but with a transmittal slip attached to it. There's clearly a difference of opinion as to what transpired.

**Mr. Rotenberg:** No. It came to her that way.

**Mr. Speaker:** I think the minister has muddied the waters in trying to bring the two incidents together. On the basis of what I've heard I see no connection between the two incidents. Frankly, it was something that happened outside of this House, and I'm at a loss to know what went on at all. I'm really not in a position to determine whether certain communications arrived in sealed envelopes or whether they came open.

The minister made reference to a member from the Ottawa region having received a communication in an envelope. The member for Carleton East clearly says before this House that it was not contained in an envelope; it was a letter that was open and unfolded. Perhaps the minister would care to amend or retract the reference to the honourable member who feels aggrieved.

[6:30]

**Hon. Mr. Parrott:** At no time did I make an accusation that the member for Ottawa East did so.

**An hon. member:** Carleton East.

**Hon. Mr. Parrott:** Carleton East; I'm sorry. At no time did I accuse that member of it. I am very certain, Mr. Speaker, that a sealed envelope did go and was returned to Mr. Mulvaney opened—in fact, without the envelope. Of that I am positive. I have nothing that I can withdraw. There was no accusation made.

The simple statement was that when I talked about the incident, obviously, by facial recognition, the member was well aware of the incident. We recall the incident, and I think there are many from the Liberal caucus who recall the incident as it referred to acid rain. I think the member for Lincoln (Mr. Hall) was there. I am not sure about the member for Huron-Bruce (Mr. Gaunt). I think any of those members would be glad to give you the information that that was discussed then in that committee. I recognize, Mr. Speaker, that you cannot rule on that. That is why I withdrew before. This is another principle. I have not made the accusation.

**Ms. Gigantes:** The minister, in his earlier statement in response to my colleague's point of privilege, referred to a member for Ottawa-Carleton in spite of the fact that I have just reminded him that I am the member for Carleton East and that there is no



member for Ottawa-Carleton. He has now referred to me repeatedly as the member for Ottawa East, which I am sure would make the real member for Ottawa East (Mr. Roy) very annoyed.

However, Mr. Speaker, pointing at our benches, he talked about a document of which I have knowledge which came to me on my desk with nothing on it but a note of transmittal to a person I did not know. There was no enveloped document. There was no envelope. I suggest to you, Mr. Speaker, that he implied very strongly with his previous statement—and I think you will find that, looking at Hansard—that I, or the member for Ottawa-Carleton, had opened sealed mail which belonged to him and his ministry. That is simply unacceptable to me because it is without foundation. I request that you ask him to withdraw that.

**Mr. Speaker:** Order. Do you have something substantial to contribute?

**Mr. Charlton:** Yes, Mr. Speaker. Just by way of adding some clarification on my colleague's point of personal privilege: The document in question was in fact delivered to my office and not to hers.

**Mr. Speaker:** Order.

**Mr. Charlton:** It was delivered by a taxi driver—not by ministry staff or anyone else, but by a taxi driver. It was delivered unsealed with a pink slip attached to the front with a name on it which my assistant did not recognize. My assistant, on perusing the document, realized it was about acid rain and felt that the document must be for the member for Carleton East and put it on her desk. There was no envelope. It was not delivered by ministry staff. It was delivered by a cab driver who didn't even know where he was supposed to go. Nobody knew who that document was for until the clerk's office phoned my office after having contacted the cab company and tracked down where he had delivered it. That was the first inkling anybody had who the document was even for.

**Mr. Speaker:** Order. All I can deal with is the point of privilege raised by the member for Carleton East. In response to that point of privilege, the Minister of the Environment said quite clearly and unequivocally that there was no direct reference to the member for Carleton East or anything that she has done.

Interjections.

**Mr. Speaker:** Order. I clearly heard the Minister of the Environment saying he cast no aspersions, or no doubt, on the integrity

or the actions of the member for Carleton East. I think that should suffice.

With regard to a sealed envelope that is supposed to have arrived in the offices of that party, it has been substantiated by the member for Hamilton Mountain that he was the one who received the communication without benefit of an envelope, an open letter.

**Mr. Villeneuve:** Boy, that was a pretty busy taxi driver, opening mail.

**Mr. Peterson:** Who is moonlighting as a taxi driver?

**Mr. Speaker:** Order. The problem the chair has now is there is an allegation on this side of the House that mail has been tampered with. On the other side, there is an unequivocal statement by a member who admits to having received the communication without benefit of an envelope.

If that is the case, when honourable members get up by way of clarifying what is alleged to have happened, I have to accept their word. I hope all honourable members will accept the word that what is being said here is in keeping with the facts.

I wish the Minister of the Environment would withdraw that allegation, because we have only the word of somebody over there against the word of somebody over there. I am not in a position, other than to say, if you are going to cast aspersions upon another member without proof positive—and, as far as I am concerned, you can't provide me with proof—I think the honourable thing to do would be to remove the allegation that some member or some group of members in this House have tampered with Her Majesty's mail.

**Mr. S. Smith:** Mr. Speaker, may I speak to this point? I find the matter quite upsetting, to say nothing of its being confusing. I must say if mail comes addressed to someone else, be it in an envelope or not in an envelope, sometimes these things are inadvertently delivered, sometimes they are inadvertently opened, but I do believe once a person realizes the matter is not addressed to oneself, but to someone else, even if it is a name that is not recognizable, the obligation is immediately to put the matter aside and to take upon oneself, or to give one's assistant, the job of trying to locate the person to whom the matter is clearly addressed and clearly intended. It should not become then the subject for either photocopy or research or anything else. I am particularly concerned about this matter.

My own recommendation, sir, and it may be of some value or of no value, would be



that the government House leader should very seriously consider sending this entire matter to the committee on procedural affairs where the matter could be looked at and the various allegations unravelled and solved. That would be my recommendation.

**Hon. Mr. Davis:** Mr. Speaker, I have listened to all of this with great interest. I heard certain observations made by my colleague the Minister of the Environment, relating to two particular situations. As I understand it, Mr. Speaker, you ruled on the one; it is out of the way.

The second situation relates to a brown envelope which arrived by taxi.

**Mr. MacDonald:** There was no brown envelope.

**Hon. Mr. Davis:** All right; there was no envelope. Whatever it is, it arrived in a taxi, which does not constitute Her Majesty's mail, although I understood the honourable member to say it was in an envelope.

**Mr. MacDonald:** No, no. You have not been listening.

**Hon. Mr. Davis:** Mr. Speaker, I have listened very carefully, and I understand the concern expressed.

**Ms. Gigantes:** Mr. Speaker, on a point of order—

**Mr. Speaker:** Order. We are speaking on a point of order.

**Hon. Mr. Davis:** Mr. Speaker, I am really not referring to the member for Carleton East. I am referring to the gentleman behind her who got up and acknowledged that whatever it was arrived in his office and, through the efficiency of the NDP caucus office, arrived on the desk of the member for Carleton East. So the member for Carleton East won't jump up and down, I am not even referring to her. I know she is disappointed, but I am not referring to her; I am referring to the member for Hamilton Mountain, who got up and said he got whatever he got. In the efficiency of the NDP caucus office, it went from him to her. That's what I understand—or it went to her researcher.

**Mr. Renwick:** They are next door, for God's sake.

**Hon. Mr. Davis:** I think this matter has been escalated beyond, shall we say, reasonable proportions.

**Mr. MacDonald:** Who started it?

**Hon. Mr. Davis:** I don't think the minister—

Interjections.

**Hon. Mr. Davis:** Let me finish. I don't think the Minister of the Environment has

cast aspersions on anyone other than to recite what he believed to be a factual situation.

**Ms. Gigantes:** Yes, he has.

**Hon. Mr. Davis:** The Queen's mails were not interfered with.

**Mr. Makarchuk:** You are skating all over the place.

**Hon. Mr. Davis:** They came by taxi. I don't think he needs to withdraw, with great respect. I don't think it is something that should go to the committee or whatever. I think really it does not benefit any members of the House to prolong this debate.

It's the first time I have offered you any advice, Mr. Speaker, but I would say to you, with great respect, that you should say the whole matter is over with, done, and let's get on with the orders of the House.

**Mr. MacDonald:** Mr. Speaker, I suggest it might be advisable for you to look at the record of what was said by the minister in the first instance—

**Ms. Gigantes:** That's right.

**Mr. MacDonald:** —before you render a final judgement on this. Very clearly the minister said the mail was opened over here, and he pointed in a sweeping way to the whole party here.

Interjections.

**Mr. MacDonald:** The whole party was accused of having done that. If the Speaker examines the record, he will find that is the case.

**Mr. Speaker:** Order. I will examine the record to see if there's anything in there that would be helpful to the chair. That's all I have to say about the thing for the moment.

**Mr. Roy:** Mr. Speaker, while you are examining—

**Mr. Speaker:** No. If it has reference to this, no.

An hon. member: Sit down.

**Mr. Roy:** There has been reference to the member for Ottawa East. If the Speaker won't correct the record—my God, I don't get involved in anything at all.

**Mr. Speaker:** I know what the member is referring to. Go ahead.

**Mr. Roy:** The minister referred on two or three different occasions to the member for Ottawa East. I think he meant to refer to the member for Carleton East. When he referred to the member for Ottawa-Carleton, I think he meant the member for Carleton East as well. The record should be corrected.



## THIRD READING

The following bills were given third reading on motion:

Bill 96, An Act to amend the Planning Act;

Bill 139, An Act to amend The Legislative Assembly Act.

## RESIDENTIAL TENANCIES ACT

Hon. Mr. Drea moved third reading of Bill 163, An Act to reform the Law respecting Residential Tenancies.

Mr. Cassidy: Mr. Speaker, I would like to say a few words. I understand the time is short but—

Mr. S. Smith: You filibustered that for more than a year.

Mr. Cassidy: —when this bill came forward on second reading we supported the bill in the hope that it would be possible to make improvements to it and to put into the laws of Ontario a bill that would continue to protect tenants as well as deal fairly with landlords across the province.

I am afraid our hopes have been disappointed because of the combined action of the Liberal Party and of the Conservative Party which was exemplified in the vote we had here a few minutes ago on a number of the key amendments affecting whether this bill would be effective.

An hon. member: You wouldn't have any legislation at all.

Mr. Cassidy: I am very disappointed in what's happened, but I am afraid it is part of a systematic pattern of working against tenants which we have seen both in the Conservative government and from their friends in the Liberal Party.

Interjections.

Mr. Speaker: Order. Order.

[6:45]

Mr. Cassidy: In 1975, tenants won some very vital protection in the Landlord and Tenant Act. Our objection to the bill we have before us now is not on the question of rent review. Our objection is to the way in which those protections for tenants have been undermined in this particular bill.

There is a list as long as one's arm now of reasons under which tenants may be evicted according to this new bill. Our efforts to go back to the situation that has prevailed for the past four years have been frustrated by the government party and by the Liberal Party.

The fact that a tenant can be evicted even for something as simple as having a member of his family who is in trouble and coming to

stay with that tenant for a few weeks or for a month or two is a sign of how this bill has been weakened. The fact that a tenant can be evicted because the tenant's wife becomes pregnant and is going to have a child is a sign of the weakness of this particular bill.

The fact that there is no protection in the bill against eviction where a tenant was part of a tenants' association and no protection against eviction for a tenant who was seeking to enforce his rights is a sign of the weaknesses that are in this bill. The fact that a tenant can be evicted even over a matter as simple as personal differences with the landlord, or the fact that a tenant can be evicted over house rules which have been determined by the landlord and not in consultation with the tenant, is a sign of the weakness of this particular bill.

We are also concerned about the way in which the Residential Tenancy Commission has been set up under this particular bill. The idea that rent review and landlord and tenant matters should come together under one roof is basically a good one, but when it is enforced by only one residential tenancies officer, when the Residential Tenancy Commission performs the functions of investigation, mediation, hearings and appeals, all under a roof, when in fact it's a commission that threatens to have all the same weaknesses of the rent review board and the rent review officers that have been appointed by this government over the last four years, when there is not even a guarantee that there will be equal representation of people coming from the tenants' side and from the landlords' side, we cannot have confidence in the proposed commission as it has been established by this government with the support of the Liberal Party.

In fact, it's a bad bill right now. It's a weak bill right now. The tenants in the province would be better off if they had the present landlord and tenant legislation and an extension of the existing rent review bill. That is why we cannot bring ourselves to support this bill on third reading. That is why we are opposing this bill on third reading. It would be better to stay with the existing law. I say that in the name of all of the tenants across this province.

Finally, I say to the government that the green paper on tenant protection was an effort to take away protection from tenants. This government has consistently tried to put a termination date on rent review. This government has consistently tried to back away from a decent framework of landlord and tenant law that would be fair both to tenants and to landlords. The way this bill is finally going



through this House today is simply another step in a long line of actions where the government refused to stand firm with the tenants of Ontario. We stand with those tenants. I wish the rest of the House did too.

**Hon. Mr. Drea:** Mr. Speaker, after hearing the brilliant contribution of the leader of the third party, a person who never attended a single moment in some 16 or so months of that committee, except once to burn a cup of coffee—

**Mr. Cassidy:** How many cups of coffee did you buy?

**Ms. Gigantes:** This is the man who gave us rent review, for heaven's sake.

Interjections.

**Mr. Speaker:** Order.

**Hon. Mr. Drea:** Carrying on with that sentence, I am reminded of the similarity between his latest performance and Custer's last stand. They will both produce the same result, except at least Custer did it with dignity.

This bill—and I want to give credit to my predecessor, because certainly he—

**Mr. Cooke:** Where is he?

**Hon. Mr. Drea:** He's on government business. The member knows where he is.

**Mr. Breaugh:** You were talking about a cup of coffee a minute ago. Where is he?

**Hon. Mr. Drea:** I do not want to delay the dinner hour for everybody, but I would appreciate it if the same courtesies were extended to me as minister as were extended during that bit of prattle by the member's leader.

**Mr. McClellan:** That's what we're giving—exactly the same courtesy.

**Hon. Mr. Drea:** I want to give credit to my predecessor, who is now the Minister of Industry and Tourism, because he started the very long process that will reach its culmination in a few moments.

I want to point out two things that I said last October 30, when this bill was introduced. I said: "The prime object of the bill is to create a balance in the rights and responsibilities of landlords and tenants. To do this, the bill sets out plainly what both parties may expect and what they must offer in return in language that the average tenant and average landlord can fully understand."

I also pointed out that "the Residential Tenancy Commission's overall objective is to provide straightforward, uncomplicated and informal methods for landlords and tenants to resolve their difficulties. It provides one-stop shopping for all tenants' and landlords' concerns. Most disputes between the two parties which are now resolved by the courts

will be under the jurisdiction of the commission." That was at the time this bill was introduced. The events that are soon going to unfold, I think, will vindicate that position.

At this time I would like point out and have it in the record—and I concede that it's probably unusual for a minister to do this—that the bill is a better bill for the amendments made by the Liberal Party, particularly the amendments put forward by the member for St. George and the member for Waterloo North.

**Mr. McClellan:** I don't see them thanking you for that compliment.

**Mr. MacDonald:** If it's a better bill, where is the member for St. George?

**Hon. Mr. Drea:** It is a fair bill. It is one, quite frankly, that was filibustered through-out by the third party. It was filibustered even until two o'clock this afternoon.

**Mr. Warner:** We fought for the tenants.

**Hon. Mr. Drea:** Mr. Speaker, I tell you, out of committee of the whole today, I am very angry at the accusation that was made about this minister, that this minister had deliberately set out to introduce a new type of inquisitorial proceeding in this province. The accusation was made that I was attempting, under the guise of this bill, to bring in the system of justice and the jurisprudence used in the republic of France—which is entirely different from common law and the justice system in this country.

Those accusations were so patently untrue that the person who made them had to read from relatively obscure tomes. I never did make up my mind as to whether it was a final get-even with me or it was an attempt to stretch the clock beyond two o'clock, which would have effectively killed the bill for this session. I still don't know.

**Mr. McClellan:** Why don't you save your paranoia for some other place?

**Hon. Mr. Drea:** In summary, this is a good bill. This is a very good bill. It will have a balance in the marketplace in probably the most personal relationship there ever is between people on opposite sides—the landlord and the tenant.

In this government—and I think I am speaking for other people not of my party or not of the government who voted for sections of this bill—we wanted to take out the adversarial relationship between landlord and tenant. We set out to do it, and we will do it. We wanted to end the relationship between landlord and tenant being constantly hoisted up as something that must be controversial. We cannot have a decent type of accommodation for people who choose to rent



in this province, if we are going to insist in an arrogant and rather Draconian manner—that's one of the member's favourite words—that everything must always be adversarial or brought forward into some kind of controversy or demonstration.

Mr. Speaker, I could go on for some time—

Mr. Martel: Go ahead. Take a long time.

Hon. Mr. Drea: I may very well. But I keep my word; so I won't.

Mr. Martel: On a point of order, Mr. Speaker: That is the third time the minister has indicated we attempted to filibuster beyond one o'clock. He also said we almost took it past two o'clock. I ask the government House leader to rise in his place and indicate to his colleagues that there was no agreement which indicated we would get done at one o'clock. I told the government House leader we would have only one speaker and we would try to get done by one o'clock. The bill didn't come in until 11:50 a.m. I indicated to the government House leader that we would be done in less than three hours. It took two hours and 10 minutes. For that minister to get up and make charges that we could not keep our word in an agreement arrived at with the government House leader is not factual, and I would ask the government House leader to correct the record.

Hon. Mr. Drea: Mr. Speaker, just to set the matter straight: I made no accusation. If you will read the record, I talked about filibustering all the way through the committee, even up to one o'clock today. Then I went on and spoke about my feelings—my feelings, not about the House leader of the party. If you look at the record, I have been exceedingly careful about any accusations.

To conclude, I find it very interesting at this late moment that the New Democratic Party is going to vote against this bill. Mr. Speaker, do you know what voting against this bill means? It means they don't believe that a tenant who can't have his accommodation fixed or maintained up to standards should have the right and benefit of this commission to seize the rents and to force the landlord to do it. That's what voting against it means.

I look now directly at the member for High Park-Swansea (Mr. Ziemba), who delivered a very impassioned, eloquent and, mind you, very accurate brief before the committee. It surely means to him that the very remedies he asked for small landlords, for the little people, so they could have quick justice and not be in the position where they were vir-

tually bankrupted by delay after delay, will never come about.

I find it extremely disconcerting that, after all this time, nothing has changed. In the whole debate this morning in committee of the whole, there was not one new idea, new word, new verb, new anything.

I am very proud to be the minister who will be on record as having taken this bill through the House. I played only a very minor role. As I mentioned before, my predecessor should receive the lion's share of the credit; also the legal staff, particularly Mr. Fram and Mr. Beecroft of the Ministry of the Attorney General and our own solicitor, Mr. Kumer.

I would like to pay tribute to each and every member of the social development committee and of the general government committee, and to all those who substituted, to all those who showed up, who gave up so many Tuesdays and Wednesdays, and Mondays, and weeks on end, who sat there and were polite when the public came in to make presentations; no matter how frustrated or tired they were, they kept coming back for more. I really think the proceedings of that committee demonstrate the ability of each member of this House to take on a very arduous duty and, no matter what the obstacles, to overcome in the end.

An hon. member: That's the system you call filibustering.

[7:00]

The House divided on Hon. Mr. Drea's motion for third reading of Bill 163, which was agreed to on the following vote:

#### AYES

Ashe; Auld; Belanger; Bennett; Bernier; Birch; Bolan; Breithaupt; Brunelle; Cureatz; Davis; Drea; Eaton; Elgie; Epp; Gregory; Handleman; Havrot; Henderson; Hodgson; Johnson, J.; Kennedy; Kerr; Kerrio;

Lane; Leluk; Maeck; Mancini; McCaffrey; McCague; McMurtry; McNeil; Miller, G. I.; Newman, W.; Newman, B.; Nixon; O'Neil; Parrott; Peterson; Pope; Ramsay; Reed, J.; Riddell; Rotenberg; Rowe; Roy; Ruston;

Scrivener; Smith, S.; Stephenson; Sterling; Sweeney; Taylor, G.; Taylor, J. A.; Turner; Van Horne; Villeneuve; Walker; Watson; Welch; Wells; Williams; Worton.

#### NAYS

Bounsall; Breaugh; Bryden; Cassidy; Charlton; Cooke; Davidson, M.; Davison, M. N.; Foulds; Germa; Gigantes; Grande; Isaacs; Johnston, R. F.;



Laughren; Lawlor; Lupusella; MacDonald;  
Mackenzie; Makarchuk; Martel; McClellan;  
Philip; Renwick; Samis; Swart; Warner;  
Ziemba.

Ayes 63; nays 28.

**Mr. Speaker:** Is there unanimous agreement  
that the House will resume at 8:30 p.m.?

Agreed to.

The House recessed at 7:05 p.m.



## APPENDIX

(See page 3161)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## COMMUNITY RESOURCE CENTRES

**249. Mr. Duszta:** Would the Ministry of Correctional Services table in the House figures, for each of the years 1975 to 1979 inclusive, pertaining to the community resources centres operated under the Ministry of Correctional Services as to (1) the number and location of these centres, (2) the number of residents, (3) the number of available beds, (4) the length of any waiting list for those beds, (5) the mean, mode, and median length of resident stay in such centres, (6) the discharge rate to (i) correctional facilities and (ii) home care, (7) the mean number of staff per centre, (8) the total number of staff involved in the actual operation of the centres, (9) the standards or regulations concerning the operation of these centres, (10) the penalties in-

volved for breaching such standards and/or regulations, (11) the number of persons assigned to inspect for conformity to these regulations or standards? (Tabled June 8, 1979.)

**Hon. Mr. Walker:** More time is required to compile a complete answer to this question. An answer will be filed on or about July 18, 1979.

## HIGHWAY SAFETY

**257. Mr. Philip:** Will the Attorney General table a detailed breakdown of the cost of the program he announced in the House on May 24, 1979, designed to deal with the increased number of deaths and injuries which occurred on Ontario roads in the first three months of this year? (Tabled June 11, 1979.)

**Hon. Mr. McMurtry:** We expect to have the information to answer this question by July 1.



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Baetz, Hon. R. C.; Minister of Culture and Recreation (Ottawa West PC)  
Bennett, Hon. C.; Minister of Housing (Ottawa South PC)  
Blundy, P. (Sarnia L)  
Bradley, J. (St. Catharines L)  
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Hodgson, W. (York North PC)  
Isaacs, C. (Wentworth NDP)  
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Kennedy, R. D. (Mississauga South PC)  
Kerrio, V. (Niagara Falls L)  
Lane, J. (Algoma-Manitoulin PC)  
Laughren, F. (Nickel Belt NDP)  
Lupusella, A. (Dovercourt NDP)  
MacBeth, J. P.; Deputy Chairman and Acting Speaker (Humber PC)  
MacDonald, D. C. (York South NDP)  
Maeck, Hon. L.; Minister of Revenue (Parry Sound PC)  
Makarchuk, M. (Brantford NDP)  
Mancini, R. (Essex South L)  
Martel, E. W. (Sudbury East NDP)  
McCaffrey, B. (Armourdale PC)  
McCague, Hon. G.; Chairman Management Board of Cabinet (Dufferin-Simcoe PC)  
McClellan, R. (Bellwoods NDP)  
McGuigan, J. (Kent-Elgin L)  
McMurtry, Hon. R.; Attorney General; Solicitor General (Eglinton PC)  
Miller, Hon. F. S.; Treasurer, Minister of Economics (Muskoka PC)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
Pope, A. (Cochrane South PC)  
Ramsay, R. H. (Sault Ste. Marie PC)  
Reed, J. (Halton-Burlington L)  
Renwick, J. A. (Riverdale NDP)  
Riddell, J. K. (Huron-Middlesex L)



Rotenberg, D. (Wilson Heights PC)  
Roy, A. J. (Ottawa East L)  
Ruston, R. F. (Essex North L)  
Samis, G. (Cornwall NDP)  
Smith, S.; Leader of the Opposition (Hamilton West L)  
Stephenson, Hon. B.; Minister of Education (York Mills PC)  
Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
Sweeney, J. (Kitchener-Wilmot L)  
Timbrell, Hon. D. R.; Minister of Health (Don Mills PC)  
Turner, J. (Peterborough PC)  
Van Horne, R. (London North L)  
Villeneuve, O. F. (Stormont-Dundas-Glengarry PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Watson, A. N. (Chatham-Kent PC)  
Welch, Hon. R.; Provincial Secretary for Justice; Deputy Premier (Brock PC)  
Williams, J. (Oriole PC)





No. 78

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# Legislature of Ontario Debates

## Official Report (Hansard)

**Third Session, 31st Parliament**

Thursday, June 21, 1979

Evening Sitting

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

THURSDAY, JUNE 21, 1979

The House resumed at 8:30 p.m.

## STANDING MEMBERS' SERVICES COMMITTEE

(continued)

Resumption of the adjourned debate on the motion for adoption of the report of the standing members' services committee, dated June 18, 1979, re legislative library.

**Mr. Acting Speaker:** I believe the member for Lakeshore had adjourned the debate.

**Hon. Mr. Welch:** It was the member for St. George.

**Mr. Acting Speaker:** It is the member for St. George on the 27th order. Is that correct?

**Mr. Lawlor:** It's not the Ombudsman?

**Mr. Nixon:** We'll just be a minute; got to fix up the library.

**Mrs. Campbell:** Mr. Speaker, in introducing the original motion I referred to the problems of the library in obtaining material from commissions of inquiry, and as you are aware, we placed an amendment motion since our first motion created some problems with the archivist.

The motion before you is that simplified procedures be established by the government to ensure the legislative library receive automatically and as soon as possible after publication, two copies of all published research, public briefs and submissions, published back-up documentation and published reports from commissions of inquiry related to the government of Ontario.

**Mr. Acting Speaker:** Mrs. Campbell moved the adoption of the recommendations contained in the report of the standing members' services committee dated June 18, 1979, re legislative library.

Motion agreed to.

**Hon. Mr. Welch:** I wonder, now that we have carried the 27th order, if we could have agreement to discharge the 25th order from the Order Paper.

Agreed to.

## SELECT COMMITTEE ON THE OMBUDSMAN

(continued)

Resumption of the adjourned debate on the motion for adoption of the recommendations

contained in the sixth report of the select committee on the Ombudsman.

**Mr. Acting Speaker:** Now I think I am where I thought we were some time before.

**Mr. Lawlor:** That is where I thought I was too.

**Hon. Mr. Timbrell:** I think we all know where the member for Lakeshore is.

**Mr. Lawlor:** I see the two basic ministers are here and that is appealing.

**Mr. Nixon:** I don't find it appealing.

**Hon. Mr. Timbrell:** This happens at the end of a long session.

**Mr. Lawlor:** A former nominee for the presidency of the United States thought that St. Paul was appealing but Norman Vincent Peale was appalling. It is appealing to have the minister here.

**Hon. Mr. Welch:** If the honourable member will permit—

**Mr. Lawlor:** Are you here again?

**Hon. Mr. Welch:** Always here. If the member for Lakeshore came more frequently he would know.

**Mr. McClellan:** I think you should go out and address the crowd.

**Hon. Mr. Welch:** Mr. Speaker, the particular report to which the honourable member for Lakeshore wants to address himself as chairman contains a number of recommendations and of course the report itself calls for a detailed discussion of each recommendation and some vote on each recommendation. It was felt that perhaps it would be more convenient to deal with this report if the House resolved itself into committee of the whole. Then the chairman of the committee could call each recommendation, members could feel free to discuss them and they wouldn't be restricted to that one-time-only rule with respect to debate in the House itself.

**Mr. Acting Speaker:** Hon. Mr. Welch moves the recommendations of the sixth report of the select committee on the Ombudsman be referred to committee of the whole House for consideration.

Motion agreed to.

House in committee of the whole.



### SELECT COMMITTEE ON THE OMBUDSMAN

Consideration of the recommendations contained in the sixth report of the select committee on the Ombudsman.

**Mr. Chairman:** I believe the orderly fashion in which to deal with this report would be to take it section by section now that we are in committee.

**Mr. Lawlor:** Now that we are in committee I do not intend to be truncated. I have an initial statement, whether it was one way or another didn't matter. I wish to proceed briefly, with your indulgence, in order to set up a basic outline as the chairman of that committee, which is not unknown in committee of the whole House, particularly with respect to estimates. So if you would permit me to proceed—

**Mr. Chairman:** I would certainly ask if the committee would be agreeable to the member for Lakeshore making a few general comments.

Agreed to.

**Mr. Lawlor:** Others may wish to make succinct general comments too.

The Ombudsman's office itself and the committee in tandem have until this time in our history been groping their way, trying to find the right dimension, trying to get the right response. By "right" I mean right. There is a certain tenor, there is a certain centrality to the office of the Ombudsman which is not as yet recognized in this province.

Members of the committee are privileged in many ways. They have travelled abroad to see how other Ombudsmen work, what the condition of that office very well might be, and, if it is to be efficacious, must be. We have been frustrated in the past. I would say even bitterly disappointed with respect to the response. On the part of the ministry, there has not been a proper assessment and weighing and giving cognizance to the office of the Ombudsman. Members of the House haven't responded.

Let's put it simply and do this quickly. If an Ombudsman in Europe, particularly in Sweden where it all started well over 100 years ago, was rejected by a minister of the crown and he was adamant in his purpose, either one or the other would have to give way. If this persisted on the part of the government, the Ombudsman would resign; he would simply say no. It is a unique, different, sensitive and hyperbolic office, if you will. It is totally different from anything else. When it begins to get through to the members of this assembly what this thing is all

about, then we will begin to make an iota of progress in this particular field.

As members of the committee, we have been clued in, we think, in no arrogant way, but simply to try to inform. We have been subjected to a certain education at public expense and we would like to communicate that position. So we have been groping our way, session after session since 1975, when these reports began to be handed down. Last year, as you all know, the minister's didn't show up at all. That was the last word. If that happened tonight, you wouldn't have a committee, let's be frank about it. We are not prepared to be patsies, to serve purposes in a minatory way from hour to hour. We have a job to do. If you don't like it, we don't have to do it. I like reading books and would prefer to take the summer off for that particular purpose. I even like to write on the odd occasion too.

Tonight the real issue before us is, do we want to leave things as they are or do we want the office of the Ombudsman for the province of Ontario to work? It is as simple as that. It is what it has come to as things are at present set up. In order to underline that, we wrote in obituary columns, etched in black. I won't read it. You have all seen it. It has been read already in the House. It is how we feel. It is our side of it.

We aren't putting on airs. Members of this House are busy. They haven't time to read all the reports. None of us can pretend to be able to survey a great deal of stuff that comes across our desk, so we can't make exorbitant demands upon our fellows in this regard. Nevertheless, the office exists. It is fairly expensive and it serves the fundamental purpose. If you haven't a fundamental belief in it, let's get rid of it. That is what it has come to, as far as the committee is concerned.

I won't take a great deal of time. I would like to inform you a bit as to how we regard our role vis-à-vis the Ombudsman for the purposes of setting this debate in place. As we come up against the seven recommendations, we insist upon a vote on every one to get the feel, the empathy of this House with respect to this. What in blazes we are supposed to be doing is under some scrutiny and some circumspection by numerous members of this House who are ignorant of most purposes. They won't even take the time, as I see among those members who are not here, thank heaven, to read the report or to give very much attention to what it is that this committee is all about.

[8:45]



The report tonight is the sixth report. In the fifth report we submitted to the House, we said:

"There are some who would urge the committee of the Legislature, when all things are equal in a case, to support the recommendation of the Ombudsman, notwithstanding the appropriateness or adequacy of the government organization's position. The committee cannot agree with this view. It envisions many occasions where, notwithstanding that the governmental organizations decide not to implement the Ombudsman's recommendations, that decision is nevertheless adequate and appropriate. It is open for this committee to agree with the decision of the governmental organization, just as it is for the committee to support the Ombudsman's recommendation in any given case.

"The Ombudsman in this province must recognize that his recommendations will not always win the day. Likewise, government organizations must realize they cannot consistently deny Ombudsman recommendations and not endure appropriate consequences through this committee and the Legislature."

That is the vein. We do try to stand back objectively. We do not consider ourselves a court of appeal. We will not constitute ourselves as such. Nevertheless, when both parties appear before us, the ministry on one side, and the Ombudsman opposite, and engage in colloquy in order to bring out and make salient the facts in the situation, then we have a certain role to weigh the two. The previous Ombudsman expected to make us an imprimatur. We're independent human beings. We think we have some competence with respect to the roles people and these offices play and we're not rubber stamps for anybody. Otherwise, we would lose our dignity.

We try to be impartial and objective. There are many times, I want the members to know, we have said to the Ombudsman, "No, we can't go along with you." We've set forth the reasons in a fair and objective way and trust he accedes to that. When we do side with him, we side with him purposively. We've always sided with him unanimously. We expect the government in that context and condition, unless they can produce very coercive reasoning on the contrary, to stand to go along even if it runs a little bit against the grain, because the Ombudsman's office is the only office in the whole of this province which is totally unique as being the child of this body. It is not the child of the government qua, but the child of this Legislature, beholdling to this Legislature. It is the only body of that particular kind. We want this

taken seriously. It hasn't been up to this date and it's high time it was.

There were nine complaints of the Ombudsman not implemented by the government organization in the third and fourth reports, of which only three are coming to us tonight. There are not even three, because this morning, Lord bless us, and quite miraculously, one of them got solved.

**Mr. McClellan:** By emergency mail.

**Mr. Grande:** All of a sudden, miracles.

**Mr. Lawlor:** The incredible case of Aladdin's lamp which made nothing magic. There was a lamp the Workmen's Compensation Board wasn't willing to supply which we felt it should supply to an injured workman at a cost of two hundred and some-odd dollars. They were only willing to pay \$25. We say: "What nonsense is this?" It was solved this morning, so I won't dwell upon it.

I got a communication, I'm sure all the members on the committee did, saying the Workmen's Compensation Board had finally caved in, if you will, or had given credence to what was being said. That lamp has cost \$10,000 in terms of our time, in terms of Workmen's Compensation Board time and ministries' time. It's the most expensive lamp, as I say, since the Arabian nights.

We are dealing with two cases tonight under that first series of cases. The second one is in our sixth report referring to the fourth and fifth reports of the Ombudsman. There are seven cases in the New Democratic Party, and we've distributed them among ourselves. We want to finish this debate tonight. We want a vote before 10:30. We want to know where we stand in this committee going into the summer and our meetings at that time, because there is another report coming from the Ombudsman's office, nearing fruition at the present moment. We're delighted to get ahead with it provided that we have some sense that it'll be of some value.

I had hoped the Attorney General (Mr. McMurtry) would be here tonight to say a word with respect to his intervention. The Workmen's Compensation Board asked for his opinion as to why we were interfering in the way we were and what suzerainty we had in this particular regard. The Attorney General replied in a way that was adverse to the work of the committee. We reinterpreted his judgement by saying he didn't mean what he said; namely, that the way in which the last recommendations were brought into this House last fall didn't call for adoption. We have changed the wording and say we call for adoption, which obviates it. If this House approves tonight these various things, we think the ministry and the agency



over which he has dispositive powers, ought to accede.

I would be the last to push another iota. Where does it go beyond that if you don't? I would ask you to be gracious enough to think that we had the intelligence to be able to arrive unanimously at these decisions and that the Ombudsman himself has the integrity and sense of office that he will have set forth the basic premise which we have affirmed, even if the ministry finds it a little unpalatable to go along gently with these things. Otherwise, there's no sanction for the office of the Ombudsman as such and that's what he lacks fundamentally. This House is the area where the final reckoning comes, and it's through the instrumentality.

One word about the committee before I sit down. I've said it before. It's like Voltaire—if the committee didn't exist you'd have to invent it. If this committee feels that it's ignored, demeaned, abnegated, goes off in a fit of paranoia, which we're quite likely to do over the whole situation, you'll have to set up another committee within a few months; because this House, as such, cannot take the reports of the Ombudsman directly and stand and argue the premises.

The government has seen fit to ignore, reject the position that the Ombudsman has taken, having gone through the office of the Premier—and may I stop there. The Premier of this province (Mr. Davis), in the dozens, literally dozens of cases in which various agencies have rejected the Ombudsman's position, hasn't in a single instance acceded to the Ombudsman over and against the agency or the minister. I think he has some kind of responsibility to look at these matters, to set up perhaps a little committee in his own office which may advise him. Carte blanche—blindly, blankly, mindlessly—he sends out the same form letter every time: "I don't give credence to what it is you're doing and I don't intend to do a damned thing about it." If you think that's giving any weight to the position of the Ombudsman or enhancing the prestige—which is the central, critical and necessary thing to that office, that form of recognition—if you think he's making any contribution in this regard, be befuddled. He ain't.

That doesn't help a bit either, does it? I've spoken enough. We're trying to get this debate over with.

**Mr. Chairman:** I thank the member for Lakeshore for his general comments. As we are in committee I will now call for the nine recommendations in order.

On recommendation 1:

**Mr. Lawlor:** The first recommendation has to do with what we will call the Macdonald case, Dr. Macdonald. I don't know if he's here tonight. I know he had an engagement. In any case, it has a certain notoriety. I would like to give, right off the bat, some credit to Dr. Macdonald. He is one of those few people who, demanding a lever, wants to move the world, just a little bit, almost imperceptibly. And he sticks to it.

In 1968 he was refused permission by a hospital in Toronto to enter that hospital as a physician—he's a surgeon—and to have access for his patients to that hospital. This is a widespread phenomenon. Most of them are too timorous to attempt to meet the powers-that-be, the Frankenstein establishment that stares with baleful glances at you and can place your professional career in some jeopardy. Macdonald doesn't back down. He sticks to it. One has to give great credit to the odd individual in this society who is not prepared to back up, and who fights it. He has been through the divisional court, courts of appeal, everything he has to in order to get to the Ombudsman.

Just one other point on this: We don't mention names—the Macdonald name will be the only name we will hear tonight. We're very careful to suppress names of institutions—the hospital in this instance—but the names of the complainants—the people who have been to the Ombudsman's office, it's neither here nor there. There are principles involved here and human beings who have been bitterly hurt, one way or another. The whole purpose of the office is to rectify these human hurts, and a single hurt brings a whole society into question, or could very easily do so. That is why the office exists.

I think the best thing to do in this case, without spending too much time on it, is simply to read what the recommendation is, what it is we will be voting on.

"Accordingly, the committee recommends that the Minister of Health consider what changes should be made to the Public Hospitals Act, and section 47 in particular, including changes in the quorum provisions and the length of membership respecting the hospital appeal board, to give better effect to the principle of a widely distributed membership of the hospital appeal board.

"Further, that the Ministry of Health cause an inquiry to be made into the provisions of the Public Hospitals Act to identify and correct any acts flowing from sections 44 to 50 of the act which may be improperly discriminatory."

I think that is worded in a moderate, almost overtly rational, fashion. The Ombudsman is



not asking for the moon. He is saying that on the hearing in question all members of the board were involved with hospital boards as members thereof at one time or another. None of them was neutral with respect to having a pre-empted interest in it. They claim there is a certain prejudice involved with all that. The Ombudsman agrees.

By the time the hearing was finished, very much like this House, there were only three people left. The claim is the quorum of three was not representative of the thing. The fear is that in these public hospital boards a certain clique, a certain little cabal, will form, with their preconceived notion, serving the interests of their own friends and cousins, mothers, brothers and aunts—which is exactly what happened in that hospital. The chief surgeon hired all his friends to fill the positions.

[9:00]

Here numerous doctors are excluded. There is no question of their competency—nothing like that. They are excluded from serving on that hospital staff in any capacity, or bringing their patients in. Ipso facto, it excludes them from the same rates—in other words, they're second-class doctors. Those beggars, those doctors, who are on the inside, can charge greater fees because of the prestige attached to their being within the narrow establishment. They can mulct, by the way, your whole hospital scheme by being able to do so. You should take that into account when you are trying to save money instead of closing Lakeshore.

This discrimination between the two classes of doctors in this province is a great drain on the Treasury. What is being asked for is a simple change in legislation. You have seen what Grange says of the law society. I won't read it into the record, it would take too much time. But it should be broader, less discriminatory. It is not even being said that, in fact, —well maybe it is—this particular board, or the boards generally are questionable in this particular regard. It's just that they lay themselves open to that charge. In terms of the justice of the province, that must not be allowed to prevail. So you are being asked to alter or amend your legislation; probably to expand the boards somewhat and to see that people, who have not the in-built, pre-empted interest, sit on those boards at a fair hearing.

That's all we are asking you to do. I'd be most interested to hear what you have to say about it.

**Hon. Mr. Timbrell:** Mr. Chairman, just briefly, I'd like to comment on the matter.

This question interestingly enough is one that has, in one way or another, been before me as long as I have been in public life, having been an alderman on North York council. The physician in question came to visit members of council some years ago. I took part, as was pointed out in the House one day a few months ago, in a vote on a motion put to council. In its own way, it contributed to the appointment of the Grange commission and the investigation carried out by that learned gentleman.

I want to offer two proposals tonight with regard to the concerns outlined by the committee. I don't intend to read into the record some of the contrary arguments to those heard by the committee. Clearly there is a matter of concern here on the part of some, particularly the members of the committee.

If I may, Mr. Chairman, I will speak to the two matters related to Health at once rather than the one. Each of the two recommendations stems from the Ombudsman's perception that certain provisions of the Public Hospitals Act can or may result in situations which may be characterized as being improperly discriminatory. Those provisions relate to the composition and the quorum of the hospital board and to the system for appointment of physicians to hospital medical staff. I realize that the adjective "improperly" in the term "improperly discriminatory" is the operative word here. Virtually every power of decision obviously carries with it an element of discrimination when you make one choice as opposed to another or others.

It is important I think to note that the Ombudsman did not allege that any member of the hospital appeal board has ever acted improperly, and I have frankly—

**Mr. Eakins:** It just says maybe.

**Hon. Mr. Timbrell:** Well, that's the thing. I think it is important for the people who serve under the chairmanship of Mr. Tobias that there should be no doubt at all about their credentials and honour. The Ombudsman has not alleged that any member of that board has, at any time, ever acted improperly. As the minister responsible for the board, I have no reason to believe that such a case has ever occurred.

In spite of this, and acknowledging the concerns of the Ombudsman and the board, I am looking at the legislation which prescribes the composition of the board, and their appointments at the present time are at pleasure, to ensure that all interests, including hospitals, physicians and the general public, are and will be fully represented both



on the board itself and in any quorum of the board.

I am also considering the related issue of whether it is appropriate that a minimum number of the hospital appeal board members should not have past experience as a member of a hospital board and, pending final decision as to what legislative changes are appropriate, if any—and we may be able to do it in the next rearranging of the membership of the board—I have sought and I have obtained the assurance of the chairman of the hospital appeal board that the full board from now on will sit on all cases, except where the parties otherwise agree, or where a member must disqualify himself by reason of a conflict of interest.

In addition I want to point out as well that the Ombudsman did not allege that there had been improper discrimination on the part of a hospital in connection with an application for appointment to its medical staff. Again, I won't take the time of committee tonight to read into the record the divisional court decision that looks at—

**Mr. Lawlor:** They can only follow the law.

**Hon. Mr. Timbrell:** —and comments on the structure as it exists in this province and exists in most jurisdictions throughout the world. But he did not allege that there had been improper discrimination on the part of a hospital in connection with an application for appointment to its medical staff. Rather, what the Ombudsman indicated was that the system creates, in his opinion, an opportunity for improper discrimination.

As I see it, the difficulty is that, as was recognized by the Supreme Court—I'm quoting from the court—"The selection of a medical staff is an art, the development of which arises out of long study and continuous involvement with the practice of medicine in a hospital." The practice of an art does not often lend itself to external regulation.

Nevertheless, what I propose to do is to obtain a comprehensive review or information as to what systems of medical staff appointments prevail in other jurisdictions. I intend to get this from the Ontario Council of Health; I will ask them to do the review. I believe that such information will be of great assistance in formulating an appropriate approach to resolving this problem identified by the Ombudsman. It's a matter which then perhaps in the fall, when we get to my estimates—I'm not sure whether the material can be pulled together by that time—we could properly use some of my estimates time in the fall of this year in further discussion.

**Mrs. Campbell:** Mr. Chairman, I welcome the participation of the Minister of Health in this debate. I think it is important that while we have referred to a specific case we realize we are speaking about a practice which exists at present. The case itself is really there in order to explain the recommendation rather than to take a position vis-à-vis that particular case. The committee has taken some pains to clarify that position, if one looks at page 11 of the report.

I am a little sad to hear that the minister is now going to look further at this matter and that he has not at this point undertaken any real study of specific changes, which is what we have asked, but rather that he is indeed going to be consulting to see what might result by reason of this recommendation.

I suppose the Minister of Health has had a considerable number of other matters before him, and one can understand that this may not have had top priority. But I do express some concern that there isn't something more forthcoming from the minister with reference to this recommendation at this time.

**Hon. Mr. Timbrell:** Aside from the individual case here, the question of privileges is a perplexing one and the Supreme Court has gone into it in ruling on a particular case. We have to bear in mind not just the question of the individual physician and the individual hospital, but also the total health needs of an area. It seems to me the board of a hospital carries an onerous weight in ensuring they meet the health needs of the community and at the same time do not overtax—and this can certainly happen in the privilege-granting procedure—the facilities they have available to meet those needs.

I gave an example and in essence what I was saying is I want to ask the council of health to canvass the issue and come back to us with some indication of how it is done in other jurisdictions and whether there is perhaps a better way. My physician lives in Don Mills, as I do.

**Mr. McClellan:** Is that the one who opted out?

**Hon. Mr. Timbrell:** No, this is the one who opted in.

**Mrs. Campbell:** Opted in. That is not the same one you talked about the other day.

**Hon. Mr. Timbrell:** Who did I talk about the other day?

**Mr. Chairman:** Order. The honourable minister has the floor.

**Hon. Mr. Timbrell:** That is a problem I had with some person up in the gallery. He lives in Don Mills, I live in Don Mills, and



yet he has privileges at Scarborough Centenary Hospital, nine or 10 miles away, I stay with that physician knowing if at any point he has to admit me for elective surgical procedures, I am going to be admitted to Scarborough Centenary, eight, nine or 10 miles away from my home.

There are really two points here. First, I don't think one can dismiss the fact that the individual has to make some choices; the physician has to make some choices and the patient does as well. Second, the hospital board, on the advice of its medical advisory committee and taking into account the best interests of the community, must balance their resources and the skills available to meet the health needs.

**Mr. Lawlor:** As I stand here and as I heard the minister, he has under very serious consideration necessary amendments to give some kind of direction and meaning to what the Ombudsman of this province stipulates, and we can anticipate seeing some changes in the legislation in the fall.

**Hon. Mr. Timbrell:** With regard to the first matter, the full board will sit on all cases.

**Mr. Lawlor:** The minister has already promised that.

**Hon. Mr. Timbrell:** The full board will sit on all cases unless there is some reason for a member to declare a conflict of interest. In the meantime, we are looking at the makeup of the board. The members are all appointed at pleasure at the present time, and we will consider whether we need some legislative changes or perhaps a reordering of appointments to give it a broader background.

**Mr. Lawlor:** This is a typical case. It has damn well gone long enough and far enough. This is not an ordinary debate. The minister can take his stance. He was elected and he is the government. He may exercise quasi-dictatorial powers over all ranges of things and suffer the bloody consequences and I trust he does. But in this instance this is neutral ground. This is where we come together. If he does not want to come together, that is fine.

The Ombudsman's office is something we find accord with not something we quarrel over. The minister should come here tonight knowing where he stands. This is one of the oldest cases in the books. It is in the fourth report of the Ombudsman where he sets the whole thing. The minister has sent before us his legal representative full of his cavils and hair-splittings, we have had our conversations, et cetera, and the minister comes here

tonight saying he is not willing—as I understand him—even to go so far as to say tentatively that this legislation will be changed in the fall.

[9:15]

What I think we should hear from the minister, in full responsibility, is that he is prepared to alter that legislation and to bring in something in line with and in accord with what the Ombudsman's office of this province has requested of him and which the committee unanimously, including his own members, has said is just and fair in the circumstances.

To posture to an inbuilt little group—the minister quotes the divisional court. Courts are bound by the law; their hands are tied. But the Globe and Mail ain't; it calls it cronyism. Take a look at the editorial. Please be a little more forthcoming on this particular issue.

**Hon. Mr. Timbrell:** Do you want to govern by editorial? Is that how you would govern? By editorial?

**Mr. McClellan:** Don't be so stupid.

**Mr. Eakins:** Mr. Speaker, I feel this recommendation should be supported, and I am willing to support its adoption. We are not asking for a finding as to which interpretation is correct. The committee is of the opinion, as stated in the report, that an examination of the issues of staffing procedures of public hospitals and the composition of the hospital appeal board is necessary. I think it is a good recommendation, and I hope it is supported.

**Mr. Nixon:** Mr. Chairman, I want to speak in favour of the acceptance of the recommendation as well. If you have your report before you, on pages eight, nine and 10 there is a fairly extensive reference to the evidence taken by the committee, based on the complaints brought forward by Dr. Claude Macdonald. Many of us have listened to Dr. Macdonald in the past and know of the problem he has experienced over a good many years in getting the right to perform his professional services in a public hospital in Metropolitan Toronto.

We are not here to argue about the merits of his specific case, but part of it was closely associated with the recommendation that is before us. As was pointed out in the report on page 10, the reference there says: "We can only conclude that the new minister and his advisers either did not like the recommendations or missed the point entirely." That is a quote taken from information based on the Grange commission report.



It is sort of a nice point as to the composition of the review committee, but the very idea that the people sitting on that committee had almost—at least it appeared a possibility—preformed concepts as to what kinds of doctors as well as what numbers of doctors should be admitted, really has brought forward the feeling that an inequity, or an injustice, has been perpetrated for these many years.

It is difficult to know whether anything this Legislature can do would make up for what has happened in the past, not only to Dr. Macdonald, but also to other doctors who have been the subject of questions and debate here for, I would say, seven years and perhaps longer.

The recommendation is a clear one. I do not think it is going to fully answer the problem that has been experienced. The minister this afternoon was talking about our public hospitals being subject to the ruling of boards elected from their membership. He knows, and we all know, just how tenuous that concept of democracy is.

When we look at the people who form the membership of the hospital boards—perhaps this has changed in some hospitals but, in the ones I am aware of, probably most of them are the wives of doctors or the people who have some very special interest in quality medical and hospital care, but from a very specific point of view.

It is almost like the debate here tonight; you cannot expect all the members of the Legislature to share with many of the other members what they consider to be the great importance of this debate. The same thing happens when we are electing the boards of public hospitals based in a very narrow constituency. It concerns me that we have gone these many years flooding public dollars into what we all understand to be outstanding world-class facilities but still governed in a way that in my view is anything but democratic.

**Mr. Roy:** I want to make some brief comments on this. I have been sitting here listening to the debate and, of course, the name Dr. Claude Macdonald is one that I am personally familiar with from the days when I was Health critic for our party. I just want to say this: Dr. Macdonald's case is not the only one. I can recall another doctor who fought it all the way—

**Mr. Nixon:** He went to the States.

**Mr. Roy:** He's gone to the States now; he really laboured on this and I had all the sympathy in the world with him. The mes-

sage I want to give to the minister in this is that there are not many professions today that have the respect of the public like the medical profession. More and more public pressure is coming on all professional bodies for accountability to the public—that they don't live in a vacuum, in a world of their own where they govern their own affairs; there's some accountability to the public. But the doctors are in a special situation as compared to all other professions. I compare theirs, for instance, to the profession of law.

If you graduated as a lawyer and then you were told for example, that a limited number of lawyers would have the privilege of practising out of a courthouse, I can imagine how the lawyers would tolerate a situation like that. There's some similarity. Here we have a situation, an anomaly where a situation where you have a public hospital, publicly funded, taxpayers are paying for it and yet a part of the profession can dictate which doctors can have privileges out of that particular hospital.

I see the minister shaking his head, but that's what it boils down to.

**Hon. Mr. Timbrell:** That is why you have the appeal boards.

**Mr. Roy:** Yes, but I'll get to that. What I am saying to the minister is that it is an anomaly—

**Hon. Mr. Timbrell:** An appeal means you might win or you might lose.

**Mr. Roy:** —that I have difficulty understanding myself, that a public institution such as a hospital, paid for by taxpayers' money, should be limited to a limited number of doctors—

**Mr. Nixon:** Most of them opted out.

**Mr. Roy:** —and that limitation, of course, clearly affects their capacity to earn income.

If there is a situation like that, surely the minister must understand that those who decide who shall have privileges and who shall not must not only act, but must be seen to be acting, with the greatest justice and equity possible. This is the basis of these recommendations here. I fail to see how a succession of Health ministers have failed to act on this.

I can recall when Dr. Potter was the Minister of Health. He couldn't see conflict. I can recall one time in another area in the dealing with the opticians in this province how there was a terrible conflict on a particular board.

The point I want to make to the minister is that surely after the Ombudsman has looked at this and made the recommendation; after



an all-party committee has looked at it, based on some of the recommendations of the Grange report; if it's not clearly obvious to the minister as an elected official in this province in 1979 when he is dealing with public hospitals that those who decide who will have privileges and those who will not must not only act with justice and equity but must be seen to be doing so. That is not now the case and that is the basis of these recommendations.

**Hon. Mr. Timbrell:** I think in my earlier comments I acknowledged that and in looking at the membership of the board I made the comment that—or let me put it this way. I certainly don't believe and I don't think the Ombudsman alleged that improper discrimination has been applied by the board.

**Mr. Roy:** You don't even have to go that far.

**Hon. Mr. Timbrell:** I acknowledge fully the concern expressed about whether there is a possibility of this occurring and I have indicated that the board's composition will be reviewed, particularly since the membership of the board is at pleasure, and perhaps we can restructure it.

I want to point out that the physician to whom you refer who has gone to the United States won his appeal at the board.

**Mr. Lane:** I really hadn't intended to speak at this particular time, but being a newer member of the committee I probably haven't experienced the frustrations that some of the other committee members have experienced in having had no response to former reports from this committee. I personally sat and listened to the testimony provided on this particular recommendation and I thought the recommendation was good. I also think the minister is making a commitment in saying it is a concern of his and he's prepared to see what can be done about it.

I doubt very much if either one of the other parties were in power—Heaven forbid—that they would be prepared to make an immediate judgement on something as long-ranging as this particular recommendation is and with the load that the present minister has on his plate. I'm happy that the minister was here to respond to it and to say that he would look at it further and that we could talk about it this fall when he debates his estimates. Personally, the minister has satisfied me.

Recommendation 1 concurred in.

On recommendation 2:

**Mr. Lawlor:** We're jumping the next one, which is 76, which has to do with heat lamps.

That's been settled as I indicated earlier. The next one is number 79 which has to do with a Workmen's Compensation Board case.

**Mr. Deputy Chairman:** I understand that number 2 was resolved, so you're looking at recommendation 3.

Recommendation 2 concurred in.

On recommendation 3:

**Mr. Grande:** I would like to read the recommendation in the sixth report of the select committee of the Ombudsman. It states: "The committee recommends that the Legislature require the Workmen's Compensation Board to implement the recommendation of the Ombudsman made to the Workmen's Compensation Board, pursuant to section 22(3) of the Ombudsman Act, in complaint 79 of this fourth report, by reconsidering its appeal board decision of March 4, 1976, and granting entitlement to the complainant, on the basis of an aggravation of a pre-existing back disability, to temporary total benefits from September 4, 1974, until such time as it is established that the complainant was medically fit to return to employment within the complainant's capabilities."

I really don't think that we need to go into a tremendous amount of detail regarding these cases. The painstaking detail with which we look at each one of these cases on the Ombudsman's select committee perhaps should be enough to satisfy those members of the government, the members of the Liberal Party, and the members of this party that are on the committee that we don't make a decision lightly.

As the member for Lakeshore has pointed out, we go through pains to make sure that the Ombudsman and the governmental organization produce as much evidence as we deem fit to have on the table in order for us to come to a particular determination on each one of these cases that will be presented. What has happened is that the committee feels that on this particular decision the Workmen's Compensation Board happens to be wrong. To put it the other way, the Ombudsman is correct. The Ombudsman has carried out the investigation according to the Ombudsman Act. He has followed all the steps and all the procedures and has found all the evidence and presented it before us. The Workmen's Compensation Board did the very same thing. However, its presentation was certainly not the one that we decided to adopt because its presentation was frankly not convincing.

[9:30]

I want to point out the reasons I and the members of the select committee on the Om-



budsman support the Ombudsman in this case. Let me put it very simply: The workwoman injured herself on the job. She slipped and fell on her hand, wrist, elbows, buttocks and back. She went to a chiropractor and the chiropractor definitely stated she should not go back to work. This woman was in continuous treatment under the chiropractor.

We have evidence on record from a surgeon who has said this woman indeed suffers as a result of the accident she had. In other words, we have evidence from a chiropractor. I know the Workmen's Compensation Board somehow just does not accept evidence from a chiropractor. I could never understand it, but somehow the chiropractor is at the bottom of the totem pole.

The evidence from the surgeon ought to tell the Workmen's Compensation Board that this is serious; that somehow it had made a mistake in not granting this person the benefits she ought to receive for the time she was out of work and that she was attempting to rehabilitate herself to return to the work force.

What has happened consistently, though, through the different levels of appeal, is that the Workmen's Compensation Board went to its surgical consultant, and the surgical consultant said she should not receive any benefits. "The decision you made before is fine."

I hope the minister does see some of the surgical consultants' reports and what they say. I was astonished—as an aside to this case—to read a paragraph in one of those reports which said, "I have reviewed the evidence on file. This is the position—"

Can you give us any reason why you arrived at that decision, or at least can you give us any reasons why the evidence the surgeon brings to you, the evidence that you have from the chiropractor before this board, is not good enough? No, the surgical consultant somehow acts as if he is a god within the Workmen's Compensation Board.

Let me assure you if you haven't found that out yet—and I think you're finding out pretty quickly what is going on there—the surgical consultant seems to be the appeal board; and the people on the appeal board don't seem to be questioning at all what their surgical consultant says to them. They just accept it, and that's that.

This is the problem in this case. The surgical consultant of the Workmen's Compensation Board reigned supreme, and any other kind of evidence brought before the board was rejected. Why? Because the board continuously attempted to say that this person because the wrist is okay, is now recovered. They didn't talk about the low back at all,

and the pain the person has in the low back. But because the wrist somehow is okay, is normal, she should have recovered and should have been back on the work force. "So therefore we are not going to give you any benefits since we decided that you should be in the work force."

If the Workmen's Compensation Board, for the sake of consistency, is not giving this worker the rights and the benefits she rightfully deserves, I think it is your job, at this particular level, to intervene and to say to the Workmen's Compensation Board, "Look at the evidence again, take a look at it and make a decision." The decision has obviously to be a positive one, because this committee, the Ombudsman committee, and the Ombudsman are on the same side on this issue.

**Mr. Nixon:** I just want to speak very briefly, because I am concerned about these recommendations.

I intend to support them, but with some hesitation because I do so entirely on the basis of the recommendation of the committee. The Minister of Labour knows it's an all-party committee so I am sure his colleagues will support them as well.

I don't know whether the minister considers the decision of this House binding on the board. I think under the law it is not binding, and one of the documents in this report is a letter from the board saying they have considered the recommendation of the select committee and have rejected it.

It concerns me that the matter of a heat lamp should go to the Ombudsman, the Ombudsman's committee and the Legislature of the province of Ontario. With some levity it has been indicated that this heat lamp the gentleman has now is probably a \$10,000 heat lamp, and I would suggest to you it is probably more like an \$80,000 heat lamp. So I feel that the process is a little bit wacky, to say the least.

It concerns me also, and we are talking here of very specific recommendations, that the category for payment be changed from temporary partial disability for a period from March 2, 1968, to May 22, 1968. That change might mean 10 per cent, perhaps it's a bit more than that, in the actual payment for that period of time. I am sure the committee must consider that a matter of principle and on that basis it appears in this report. Yet it is only on that basis that we could imagine why a recommendation, now being dealt with by the whole of the Legislature, for a change in status to increase temporary partial disability for really just a few weeks should be subject of debate here. It's the final lever, the final crunch in the whole Ombudsman's sys-



tem to force the ministry to do what the Ombudsman says is right.

What I am saying is I think we as a House are going to have to not only support these recommendations, but then go on to give further consideration as to how the procedure, coming from the Ombudsman's decision, is going to be dealt with by the committee and by the House, and then by the ministry in the future.

How are we supposed to make a judgement on a recommendation like that, except with the confidence that we have in our committee members—

**Mrs. Campbell:** Thank you.

**Mr. Nixon:** —which of course is unlimited and unending.

I am not sure what my point is, other than that in fact I resent having to even think about whether person A, most worthy, should get a heat lamp or not; person B, most worthy, should be upgraded a matter of 10 per cent from March 2 to May 22. Why was that such a matter of high principle that should use this fantastic and powerful, I suggest to the minister, machinery for its implementation?

I intend to support all these recommendations on the basis that I put to you; my confidence in the members of the committee, no other.

**Mr. Deputy Chairman:** The honourable member was speaking in part, I know, just by way of example, to recommendation 4. We are still looking at recommendation 3, as I understand it. Any further discussion on recommendation 3? The Minister of Labour.

**Hon. Mr. Elgie:** Mr. Chairman, I am speaking tonight as the minister through whom the board reports. The very issue that the member for Brant-Oxford-Norfolk has raised is really the crux of why we are here. I remember when I was a member of the Ombudsman's select committee myself; the dilemma we faced then was just what is the exact and ultimate authority of that committee. We wrestled with it, we tried to determine exactly what 22(4) did mean and what power it gave to the Premier or to the committee. I think tonight is simply the final outcome of all those discussions and resolutions we've had, when we've been members of that most interesting, most productive and most important committee.

If I could turn to part III of your report, it's clear in the third paragraph that part of the role of the committee has been agreed upon. That is, it has served as a liaison and catalyst in the establishment, maintenance and improvement of the relationships be-

tween the Ombudsman and the many government organizations within its jurisdiction.

It then goes on to outline other relationships which had been clarified for the committee. The one relationship which still remains unclarified is the ultimate authority of that committee. It may vary from ministry to ministry. In this particular ministry, we have the Workmen's Compensation Board established by legislation which under section 74(1) says: "The board has exclusive jurisdiction to examine into . . ." et cetera, as you all know.

The Attorney General has given the board an opinion that it does have ultimate authority. I don't need to elaborate on his letter because it's in the report itself, and I won't do so. The Attorney General may wish to comment further upon that.

Therefore, the issue before us is what is the final effect and outcome of the recommendations made tonight. I share many of the views the member for Haldimand spoke about.

**Mr. Nixon:** Brant.

**Hon. Mr. Elgie:** Brant, Haldimand, Oxford.

**Mr. Nixon:** Haldimand isn't in it. Haldimand is somewhere else. Just call it Brant.

**Hon. Mr. Elgie:** Brant-Oxford-Norfolk. Got it.

I'm in a bit of a dilemma myself, Mr. Chairman, to know what to do in response to the recommendation tonight. True, the board has responded to the first two recommendations. It accepted the first and it rejected the second—

**Mr. Martel:** For a heat lamp.

**Hon. Mr. Elgie:** —over the other six recommendations. The board has rejected the Ombudsman's recommendation, but I am advised they have not yet, as a corporate board, reviewed the next six recommendations and have not come to determinations on those six. I find myself in an impossible position in terms of voting for or against it. Frankly, I intend to listen to the will of the Legislature.

Members of the board are here tonight to hear this very important debate. I will take great interest in the debate because it's clear the committee is under great stress and concern about the ultimate authority and power of that committee. Therefore, tonight is a very important occasion and I look forward to the debate, but I do want to stress the problems I personally have about the recommendations.



I don't think there's any point in my reviewing case by case. The case the honourable member has raised, recommendation 37, is a matter of the board feeling there's a conflict in the medical opinions. Which one should it accept? What should be the result of the recommendation of this committee? Those are matters that will all have to be resolved as a result of tonight's debate, and I look forward to hearing your further comments.

**Mr. Eakins:** I just want to say briefly that sitting on that committee as I have for some time, I know, and the minister knows, a great deal of thought and time has been spent in arriving at the recommendations that appear in our report. I know they are not arrived at very lightly. We've gone through the process of meeting with the Ombudsman's staff, and the Workmen's Compensation Board's staff. The one thing that impressed me when I was visiting other jurisdictions in other countries was the respect and the profile the Ombudsman's office is given by the people in those countries.

I think the Ombudsman does not arrive lightly at his decisions, and I think if the Ombudsman's office and the Office of the Ombudsman is going to work and be effective, we're going to have to support the Ombudsman in his decisions. I fully support these recommendations. Surely, we are a liaison with the assembly, and that is why we've brought these forward at this time.

I am a strong supporter of the Office of the Ombudsman and I fully feel he has arrived at his decisions, as has this committee, only after a long deliberation. What is the Office of the Ombudsman going to mean if we're going to each one think that they are correct? We've got to give some full support to the Office of the Ombudsman, and I intend to do that tonight.

[9:45]

**Mr. Lawlor:** If the minister's position tonight is that he is fobbing us off, and that is what I hear, that coming here tonight he is not prepared to say categorically yes or no, or that he is prepared to do this or that, that the matter is on the Attorney General's opinion which we have scouted and questioned as to its interpretation, that the board has autonomy and final determining powers for itself and that all these cases—and the rest of them are all workmen's compensation cases—are under determination by the board but they haven't placed the final decision before the minister as to which way they are prepared to go and he is left in some kind of limbo with respect to the very reason we

are calling this meeting, then I can only say that they are very dilatory indeed in their responsibilities.

They know from direct conversation with us last winter what we want, what we talked about and what we thought was fair. Here, in June, they are saying with a little twiddling of the thumb to the nose, "You can do whatever you please, we will do whatever we want. We are an autonomous board and we are relying upon a particular section." If that is the way it is to be, then there won't be any committee, at least as far as I am concerned; I won't want to sit on one. We have been eviscerated; we have no role to play. If that is what the minister wants, so be it, God bless him.

**Hon. Mr. Elgie:** I don't think the member for Lakeshore is really suggesting that I am trying to fob him off. I have tried to do many things to him but not that. But I do ask in all fairness that we recall that the board, when it was talking to that committee earlier in the winter, did mention that it was awaiting an opinion from the Attorney General. Whether there has been undue delay since then in reviewing these six cases is a matter that we can all speculate about. But, in all fairness, they have not yet as a corporate board reviewed those six cases. Who knows what their response will be?

**Mr. Lawlor:** March 30, they heard from the Attorney General.

**Hon. Mr. Elgie:** The important issue here tonight is the one that has been raised already and that is, what ultimate authority does this committee's report have, having been talked about and voted upon in this Legislature tonight? I think it is an important decision and I share the member for Lakeshore's view that this committee has to be looked upon as a serious committee. I think that is why this evening and this debate are important. So, the honourable member should not suggest that I am trying to fob anything off.

**Mr. Lawlor:** Then participate in the important debate.

**Mrs. Campbell:** Mr. Chairman, I don't want to speak at length. I do want to see us get to a vote tonight and at least get on the record what the Legislature feels about the recommendations. But, I think the minister ought to be very much aware that really it isn't the matter of what this committee feels about itself in so far as the committee is concerned. I think he has to be aware that our concern is simply this: That if this committee's recommendations are to be ignored, then what we have done is to eliminate the final sanction of the Ombudsman himself. That is what we



are fighting for tonight, not our particular committee per se.

We are not zealous of having to work long hours over this; we can find plenty of other things to do. But what is at stake now, tonight, is whether or not the Ombudsman of this province is to have any sanction or whether, in fact, he may well be relegated to the role of recording complaints. That is what is at stake, not the matter of the committee per se but only the committee report as it reflects the final attempt to give to the Ombudsman of this province the kind of respect, the kind of jurisdiction if you like, that is absolutely essential if that office is to work. I think that has to be understood.

**Mr. Deputy Chairman:** The member for Bellwoods, if he wishes to speak.

**Mr. McClellan:** I will forgo in the interest of time and speak on the next case.

**Mr. Nixon:** I would suggest, in furthering what the member for St. George has said, that in reading the letter from the Attorney General it says that the board doesn't have to pay any attention to these recommendations. Even if they are passed by the Legislature, they can be implemented only by the board's decision or by legislation. It may very well be that we are going to have to make an amendment to the workmen's compensation legislation, indicating that a resolution passed by the House has the force of legislation in directing them in these matters. I don't see any alternative to that myself, unless the minister in his position—and the board is to some extent independent of him when it wants to be—

**Mr. Lawlor:** Is it?

**Mr. Nixon:** This has been an argument forever. It is like the independence of Ontario Hydro. They are independent when the Premier wants them to be and they bow whenever he wants them to bow. It is quite possible for the minister simply to indicate to the board what his wishes are. If the board is so independent that it will simply ignore those, then the Legislature has the recourse to pass a piece of legislation which will make a law such that a heat lamp is provided. Surely there is some other way to do that. Alternatively, perhaps we could have some other piece of legislation which simply changes the responsibility of the board in some way.

It would seem that we are going to listen to the details of the next nine cases.

**Mr. Lawlor:** No, you are not.

**Mr. Nixon:** You were going to say that you were saving your remarks. I don't want

to spend a lot of time on it and, frankly, I don't even want to hear the details. The committee has spent many long hours reviewing the details. The recommendation of an all-party committee to this House is really tantamount to its acceptance. However, if the minister, who is the person really under the gun here, since the Minister of Health has gone and we have dealt with the matters for him, has formed another opinion and feels the Ombudsman is wrong, the applicant is wrong, and the committee is wrong, before the House makes what the minister might think is a mistake, he has every right and responsibility to get up and speak against the recommendation and reject it.

It seems to me that once the recommendation is accepted here, there is no question that it has to be turned into some sort of bill. Surely that is the end of it and the Workmen's Compensation Board, automatically, accepts the recommendation and may have a minute indicating it is against its own judgement but the Legislature has spoken and that is game over. I don't think there should be any question about that.

**Mr. Lawlor:** That's right. That's the way it has to be.

Recommendation 3 concurred in.

**Mr. Deputy Chairman:** Mr. Lane, did you want to speak to this specifically? If we can do it on the next one, will your remarks be the same on the next one?

**Mr. Lane:** Not necessarily so. I was on my feet, Mr. Chairman.

**Mr. Deputy Chairman:** I am sorry I missed you, but I would like to go on with the member for Bellwoods. I have actually put the concurrence on this one. Then I will come to you, Mr. Lane, on recommendation 4.

On recommendation 4:

**Mr. McClellan:** I am sure the member for Algoma-Manitoulin's remarks will be as relevant on this section as they were on the previous one.

**Mr. Lane:** Don't be too damned sure of that.

**Mr. McClellan:** I mean that kindly.

**Hon. Miss Stephenson:** You are a snide, nasty person. That is not called for.

**Mr. McClellan:** I didn't mean it in a snide way. I am particularly sorry the member took it in a snide way.

**Ms. Gigantes:** That should be withdrawn.

**Mr. McClellan:** This is an important debate. It does not have to do with the particular recommendations in front of us with



respect to those individual cases. It has to do with the future of the institution of the Ombudsman in this province. If the government wants an institution of the Ombudsman in this province, then it is going to have to understand that in Ontario, as in every other jurisdiction in the world where there is an effective Ombudsman, the Ombudsman is going to have to be accorded an especial respect. The Ombudsman is going to have to have a kind of aura about it that no other institution is granted. If the government cannot accept that, then it cannot accept an Ombudsman.

Those of us who had the opportunity to look at the institution in some other jurisdictions were really amazed at the respect granted the institution. We gave some hypothetical examples to the Ombudsmen in Denmark, Sweden and Israel. We said: "What would you do if, having made a recommendation on a case to your Parliament, it was turned down?" We were greeted with a kind of shocked silence. I am not exaggerating; those who were with us will verify this. We were greeted with a kind of incomprehension. They would have to resign, they said, each and every one of them. But they could not understand that. Why set up the institution in the first place if no attention is going to be paid to it? That is the question.

This is not a partisan committee. This is the one place in this Legislature which is nonpartisan; it really is. Everybody who has served on the Ombudsman committee—the Minister of Labour has served on it with me; he is nodding his head, and he shares the view that I have—agrees that this is one place in this Legislature that is nonpolitical and nonpartisan. We are looking at cases on their merits that have been examined and investigated and have been given a recommendation by the Office of the Ombudsman.

It is incumbent on the Legislature and the government to recognize the special status of the Ombudsman. It is incumbent on ministers of the government to instruct and educate their bureaucracies about the special status of the Ombudsman. If they are not prepared to do that, let them tell us and we will stop the charade. Unless the Ombudsman's recommendations are accorded an unusual and extraordinary respect, there is no point in having it.

There is a particular difficulty for us as legislators in an assembly that is part of the British parliamentary tradition that does not obtain in the European system. European legislators do not do constituency work; they are not mini-Ombudsmen. But those of us who are elected members in a British parlia-

mentary system have as part of our responsibility the redress of grievances. That is part of our job.

I took a little time and consulted some archaic statutes and traced it back to the Act of Settlement of 1688; that is where it originated. The British Parliament in 1688 established the two functions of Parliament. Let me read one of them: "For the redress of all grievances, and for the amending, strengthening and preserving of laws, Parliaments ought to be held frequently." That is the origin of our tradition; it is part of our job. The media do not seem always to understand that, but it is part of our job that we are available to our constituents for the redress of all grievances, and not just for the passing of laws.

[10:00]

We have a jealousy about our prerogatives. Each and every one of us as a member of the assembly is jealous of that prerogative as a mini-Ombudsman. I think it is fair to say that in both parties on this side of the House we have made that adjustment. Let me say it has been a difficult adjustment, a genuinely difficult adjustment, for those of us who are used to the sacred preserve of constituency office work, to share that with the Office of the Ombudsman.

I say to you that we have made that adjustment and we're prepared to do it, those of us in the New Democratic Party and those of us in the Liberal Party, we are prepared to do that. We're prepared to give up a piece of our role that is 300 years old; we're prepared to share that with the Ombudsman. I say to this minister, and to all the ministers, they too have to give something up.

**Mr. Grande:** When are they going to do that?

**Mr. McClellan:** They have to give something up too if the office is to work. If they are not prepared to do that, tell us; tell us and we'll stop the charade, we'll stop the pretence, we'll stop playing the game. I'll stop sending my constituents to the Ombudsman. I'll tell my constituents: "Don't bother to go there because if he makes a recommendation on your behalf it doesn't mean a god-dam thing, it doesn't mean a thing."

**Mr. di Santo:** It's a waste of money.

**Mr. McClellan:** The government can ignore it with impunity. I don't think that's what we were about when we set up the office in this province. I think all of us wanted an Ombudsman in a genuine way. I've read the debates when the institution was set up; I think all members on all sides wanted an Ombudsman, and they wanted an Ombudsman that worked.



We've started to understand what the implications of that are, and I tell you—and I speak specifically to the Minister of Labour—that the Office of the Ombudsman and the select committee of this Legislature which was set up to support that office, cannot tolerate the kind of deliberate flouting of the institution that has been characteristic of the Workmen's Compensation Board, period.

We cannot tolerate it. The institution cannot survive that kind of systematic flouting of the Ombudsman's authority. There is no other ministry or organization or Crown corporation or branch of government in the province of Ontario that is systematically thumbing its nose at the Office of the Ombudsman except for the Workmen's Compensation Board.

Look at the cases in front of us: nine cases, one dealing with a very complex matter of policy with the Ministry of Health, and the other eight are recommendations denied from the Workmen's Compensation Board. This morning the compensation board delivered to us a hand-delivered letter with respect to the heat lamp issue, which was so grotesque and bizarre that I doubt they wanted it debated here tonight, but the other cases stand; they stand, as I said, as a thumbing of the nose at the institution.

You're going to have to deal with it; not just you as the Minister of Labour, but the government as a whole. How? By accepting the recommendations of the select committee; by accepting the notion that the Ombudsman in Ontario does have an ultimate sanction; that if he is systematically denied recommendations by officials or bureaucrats or branches of government that he has a recourse, and the recourse is here to the Legislature; and that recourse is consequential in terms of a vote of the assembly.

I want to put on the record the position of the committee with respect to an Ombudsman's recommendation. We are not a rubber stamp. The committee has not been a rubber stamp in the course of the two and a half years I have sat on it. We have been very tough on the Ombudsman. We have insisted that we be satisfied that the Ombudsman has followed the procedures that are set out in the Ombudsman Act and that his investigations have been thorough and impartial, and have followed not just the spirit but the letter of the act. Once we have satisfied ourselves that he has conducted a legitimate investigation under the terms of the act, then we are prepared to support his recommendation.

Let me read from our fifth report: "The committee will review with the Office of the

Ombudsman all phases of the Ombudsman's functions which were exercised in the particular complaint. It will also examine with the governmental organization in question the adequacy and appropriateness of the response. If that response has been less than complete, and if the exchange between the Ombudsman and the governmental organization contemplated by section 22 of the Ombudsman Act has been less than thorough, the committee will inquire into as much detail as it considers necessary in the circumstance. When it appears to the committee that the Ombudsman has complied with the provisions of the legislation, and where the governmental organization's response is not adequate, appropriate or reasonable to the committee, it will *prima facie* support the Ombudsman's recommendation."

That is what we have done in the cases in front of you. We have satisfied ourselves that the Ombudsman has satisfied the conditions of the Ombudsman Act with respect to each of those complaints, that his recommendations are legitimate, and that they deserve to be upheld by the assembly.

I want to say in conclusion a word about the Workmen's Compensation Board, which is represented on our little potpourri of cases, eight out of nine. I ask through you, Mr. Chairman, to the Minister of Labour, what does the benefit of the doubt mean in Ontario? What does the benefit of doubt mean as far as the compensation board is concerned? If the Office of the Ombudsman, with his marvellously competent staff, and with an eminent jurist as the present incumbent is, can look at a compensation case, look at all of the evidence and decide on the basis of that evidence that the benefit of the doubt supports the injured worker, but the compensation board continues to deny entitlement, where then is benefit of the doubt? What does it mean?

I suggest to you, sir, through the chair, that it doesn't mean a damned thing—that it means whatever the compensation board chooses it to mean. But it certainly does not mean that when reasonable men or women examine the evidence with a degree of impartiality and the balance of probability weighs in favour of the injured worker, that means anything unless it is the compensation board itself which is making the verdict. There is no room for any other reasonable judgement to be exercised.

Others wish to speak on this debate, I am advised, and I am not going to deal with the merits of the case because, as the member for Brant-Oxford-Norfolk has previously stated, the committee has examined each of



the cases, and has satisfied itself the Ombudsman's investigation was legitimate with reference to the act and that his recommendations were in the main valid.

So I hope the assembly will pass the balance of the compensation recommendations. It is vitally important that these cases get passed. It is important for the compensation board; it's fundamentally important for the Office of the Ombudsman. If there is not an effective resolution of this problem of the ultimate sanction, if the government is unwilling to accept the notion of ultimate sanction, if the government is unwilling to accept a special status with respect to the Ombudsman, then you might as well just tell us that. Tell us that tonight so that we don't waste any more time playing the game.

**Mr. Lupusella:** Show some leadership.

**Mr. McClellan:** Give us your views precisely and with detail, because I'm not prepared to waste any more time on it. I'm simply not prepared to waste any more time and neither are my colleagues in this party. I know from conversation in the Liberal Party that if you want the institution in the province you have a clear choice. The crunch is here tonight. After all the debate and discussion leading up to the establishment of the office and its implementation in the initial stages, the crunch is here tonight. So either bite the bullet or tell us you don't want it, but let's not continue this charade.

**Mr. Martel:** Mr. Chairman, two things bother me. About two weeks ago, as the result of a vote in this Legislature I raised in this Legislature the action the government undertakes. Sometimes, even though this Legislature passes a motion or resolution, the government deems it doesn't have to act on that resolution.

You will recall, Mr. Chairman, that we passed a resolution, moved by the member for Timiskaming (Mr. Havrot), with respect to crown land and the lease of crown land. Even though this Legislature voted in its entirety to support that resolution, the government, in its lack of wisdom, deemed that it would not follow the instructions of this Legislature. It chose to go on to remove the lease policy for recreational land; despite a vote of the Legislature, and then started to sell crown land.

My fear tonight, as we debate this and as the government accedes to one motion after another, is what are their intentions? They can sit here tonight and nod their heads affirmatively that they are going to do something about it, but once this debate is done are they going to take the same sort of action

they did on the private member's resolution of the member for Timiskaming? And that was to ignore it in totality. It's unfortunate that my colleagues, and I have talked to a number of them, indicate they would probably resign because this government fails to respond.

The other thing I want to speak to the minister about briefly is the Workmen's Compensation Board. These cases, Mr. Minister—and I am not going to speak about cases—I see day in and day out. We in this party have been complaining about the conduct of the Workmen's Compensation Board for years. You have colleagues, Mr. Minister, on your own side of the House who are speaking to you privately because of the frustrations they experience dealing with the Workmen's Compensation Board. Some of the decisions that come out of that board and how they affect people's lives are absolutely ludicrous. I fought a case this week—

**Mr. Haggerty:** They call that functional overlay.

**Mr. Martel:** Yes—where a man, 22 years in industry, was exposed to noise and suffers industrial deafness. His exposure was 89 decibels; at 90 decibels you start to lose your hearing. They did one test in 22 years and said the man had no entitlement—on one test. Is that the benefit of the doubt?

I have just reached the point with the Workmen's Compensation Board, Mr. Minister, that you have to do something. You have got to shake it up badly, because while many workers are served well in the province, for those who are in the bind, there is no way out except months, in fact years, of battling with the board to try and get some assistance for workers. While they read you the nice statistics about 90 per cent of the claims being handled right away, you wouldn't have this if the other four per cent were adequately handled.

I just say, in the limited time, that something has to be done to shake up that organization, to deal with those difficult cases. I won't mention names or areas in the board that need to be shaken up a bit. But I watched your colleague from Cochrane South (Mr. Pope) come in—and he and I have discussed this many times. There is something wrong up there; there is something wrong that would see a decision over a lamp come in today.

**Mr. Mackenzie:** The problem is the bottom line.

**Mr. Martel:** Yes, but that is the absolute in stupidity—that they would concede a lamp, heaven forbid! But the other case where it's several years of compensation, no.



[10:15]

You know, Mr. Chairman, that is just so much immaturity on their part. It's like holding out a sucker. They give you a sucker and they take the other one back after you've had one out of the whole package. They give you the easy ones. Hooray! But the ones where there's probably a function that will overlay the whole business and all of the problems that go with this—and those of us who represent the types of communities where there's heavy industry have seen the back problems, and nearly everyone in here, as I read it over quickly, is involved in that—for those they've had no solution.

We've been raising it for years. It's time there was some action taken by the Minister of Labour to clean up that place so that those problems can be handled.

Finally, I want to repeat I don't know what the government's position is going to be, but if they act on this vote the way they did on the member for Timiskaming's resolution, which was endorsed unanimously in this House, and then go in the opposite direction, I suggest by tomorrow afternoon they won't have a select committee on the Ombudsman.

**Mr. Haggerty:** I would like to address myself to the committee's report dealing with the Ombudsman's fifth report, which particularly deals with the Workmen's Compensation Board.

In the directory each member gets—and I guess a number of personnel here working for the government get it—it says under the Workmen's Compensation Board: "Ombudsman's administration, J. F. O'Brien." Often I wonder why that is put in there. To me it looks like a cosmetic approach by the Workmen's Compensation Board or even by the Minister of Labour to say that we do have an avenue open here for those persons who are making appeals to the Workmen's Compensation Board.

I know that that hasn't been very successful. I suppose the function the Ombudsman could provide to the injured workers in Ontario is under section 75 of the Workmen's Compensation Act, 1975: "The board may at any time, if it considers it advisable to do so, reconsider any decision or order, declaration or ruling made by it and vary, amend or revoke such a decision, order or declaration of ruling." There are not too many persons who are aware of that particular section, unless you're dealing with the act day by day or week by week. I suggest to the Minister of Labour that perhaps the only body that can use this particular section to the greatest advantage for the injured worker is the Ombudsman because that's the last resort.

With the sufficient staff that they have there, they can do the research and make proper representation to the board for the reconsideration of a previous decision.

I, like the members for Nickel Belt (Mr. Laughren) and Sudbury East, spend a great amount of time down at the Workmen's Compensation Board and I can tell you this much, I'm not too happy with the present functions of the board. I'm not too happy with some of the decisions of the appeals that are handed down, in particular where, in the past, the benefit of the doubt has always been given on behalf of the claimant.

The normal procedure now is that for persons writing to the board, they come up with a new phrase, "pre-existing condition" to the accident—whether or not it aggravated the injury. I'm sure the minister, being in the medical profession, knows of studies carried out in the United States—and I think it's worthwhile putting it on the record.

This is from one of the studies that was carried out in the United States as it relates to injured workers. "Medical information needed may be as much in the realm of opinion as fact. Medical evidence is often conflicting in the issue over the cause of the disability and the degree of physical impairment. There is no medical method which can measure precisely the degree or the present physical disability or even predict the future course of the events."

I suggest that is an area that the board should be looking at more seriously than anything. They have to take that into consideration. I think the recommendations of this report—there are five or six of them—suggest that some direction and consideration be given to specific cases here in the report. I suggest that all members should support this particular report tonight. It is time the board showed some heart in matters relating to injured workers in Ontario because it is definitely not making that effort at the present time.

**Mr. Chairman:** Before recognizing the next speaker, I must remind the committee that when the committee first met this evening it was agreed that the chairman of the select committee could speak generally and then the committee would deal with each recommendation. I would remind the honourable members that we are on recommendation 4. I would hope that any further speakers would contain their remarks within that recommendation.

**Mrs. Campbell:** Put the question.

**Mr. M. N. Davison:** If I may have a quick 30 seconds, Mr. Chairman, as the former



chairman of the committee, I would like to say a few words. If I stray in my 30 seconds, please forgive me. The issue before the House tonight is not these particular recommendations and it is not whether or not we accept the report of this select committee. The issue before the House tonight is whether we continue to have an Ombudsman institution in this province, an institution that many members of the assembly have fought long and hard to obtain and have tried to develop in the most appropriate fashion.

**Mr. Chairman:** Order. The honourable member is straying. Would he contain his remarks to recommendation 4?

**Mr. Warner:** He is at the heart of the matter.

**Mr. M. N. Davison:** If I may put it in the context of this particular recommendation, the important matter is not how the members of the assembly vote this evening on this recommendation concerning the Workmen's Compensation Board, but whether or not the Minister of Labour and the government he represents act on that recommendation in the way in which the committee votes.

I would suggest to you, Mr. Chairman, in conclusion, on this recommendation and on the others before us tonight, if the government fails to act we will no longer have a select committee on the Ombudsman. If we no longer have a select committee on the Ombudsman, the Ombudsman will no longer have access to this assembly and the Ombudsman institution in this province will have become irrelevant and not at all what the people of this province deserve. I submit to you, Mr. Chairman, to the government and to the members of the assembly, that would be a tragedy.

Recommendation 4 concurred in.

Recommendations 5 to 9, inclusive, concurred in.

On motion by Hon. Mr. Welch, the committee of the whole House reported concurrence in recommendations 1 to 9, inclusive, of the report of the select committee on the Ombudsman.

Report adopted.

**Mr. Speaker:** Under standing order 28, a motion to adjourn is deemed to have been made and I will listen to the member for Port Arthur for up to five minutes.

#### USE OF MATACIL

**Mr. Foulds:** Government members may not consider this an important matter, but we on this side of the House, do.

First of all, I want to thank Ted Schrecker of the research department of the NDP for doing as much work as he has with me, on the issue of Matacil spraying in northern Ontario.

The stonewalling by the Minister of Natural Resources (Mr. Auld) can no longer be tolerated. He has deliberately tried to keep himself, the Legislature and the public of Ontario, ignorant of the scope and the impact of the Matacil spraying program for the spruce budworm in northern Ontario. It is a policy of deliberate secrecy and controlling and limiting information made available to the public by this government. If not, it is a case of sheer incompetence.

It is obvious two portfolios are too much for him and he should resign one, if not the other.

**Mr. Warner:** One is too much. He's not even here. He doesn't care.

**Mr. Foulds:** The matter of spraying for spruce budworm should be a policy decision made by the minister in the cabinet, not a decision made by a low-level civil servant with automatic approval by the minister. The consequences are too serious to do otherwise.

**Mr. Bolan:** Is this the NDP horror movie?

**Mr. Foulds:** Why am I dissatisfied with the minister's answers? He has given no comprehensive statement to this House on the scope and extent and, more importantly, on the reasons for spraying with Matacil for spruce budworm. He has given us no economic reasons, no ecological reasons and no social reasons.

He has not indicated whether or not the ministry plans to extend the spraying until next year. He has been secretive about what spraying has taken place in past years, although he has told the press such spraying has indeed occurred. Nor has the minister clearly said whether the ministry is going to spray parks and tree nurseries, areas in which there are high concentrations of human activity.

He has failed to table the documents he said he would on June 12. According to the minister, they outline the results of testing done by the Ministry of the Environment and the federal agencies that have in this government's opinion made Matacil acceptable to use. That is a very sad record, Mr. Speaker. I have raised the matter four times and, frankly, none of the answers to any of those questions have been satisfactory.

We assume, from the research we have been able to do, that Ontario's Matacil spray is made up of amino carbs as the active ingredient, nonylphenol as the solvent, and



585, the emulsifier or diluent. Interestingly enough, Agriculture Canada considers that confidential information to protect corporate responsibility and that is just nonsense. We have reports, but not confirmation, that red dye, which itself may be carcinogenic, has been added to the Ontario spray.

Three basic points need to be made. One, we have no evidence that Matacil effectively kills spruce budworm. Spraying simply cannot be 100 per cent effective. The minister said he hopes for an 80 per cent kill. Unfortunately, the New Brunswick experience, including DDT when they had a 99 per cent effective kill, indicates the remaining budworm simply survive as a healthier species and it therefore prolonged the epidemic and the problem.

Two, we know that Matacil is very harmful to bees, certain fish, marine life and some ground hens.

Three, Matacil potentially has severe toxic effects on humans. This is especially worth considering because of the drift factor in any aerial spraying, no matter how carefully done.

I would have sent a copy of Dr. William Thurlow's research report to the minister, but the other day he said he wouldn't be bothered to read it, or gave that impression. Dr. Thurlow's latest research shows that at subtoxic concentration—and I emphasize subtoxic concentration—Matacil and its solvent, nonylphenol, have definite viral enhancement effects: two times in the case of Matacil, and 2.3 times in the case of the solvent, nonylphenol.

[10:30]

Remember that viral enhancement is the mechanism that is at work in Reyes syndrome. This is the often-fatal children's ailment that has been traced in New Brunswick to the effects of the emulsifiers in the solvents—not the active ingredient but the emulsifiers in the solvents used in fenitrothion, and the emulsifiers in the solvents are the same in Matacil.

Although Dr. Thurlow's most recent experiments do not—and I emphasize that—establish a conclusive link between Matacil and Reyes syndrome, they do demonstrate the significant viral enhancement effect. Why take chances when the so-called benefits of Matacil spray are dubious at least?

**Mr. Speaker:** The honourable member's time has expired.

**Mr. Foulds:** According to Dr. Thurlow, Maine and Newfoundland have cancelled their spray programs for 1979 at least partly because of his evidence. Why does Ontario not do the same? He must be absolutely cer-

tain he is doing no harm to the people of Ontario. He cannot avoid the responsibility; he is the minister.

**Hon. Mr. Auld:** Mr. Speaker, the honourable member in his request for his time tonight based it on three points. The first one was the adverse effects of Matacil spraying. Matacil has been used to control spruce budworm in Canada since 1971. In that period the effectiveness, the toxicology, the effects on nontarget organisms and the persistence of Matacil have been investigated by scientists in government agencies, universities and private consulting firms. More than 200 published scientific reports document the results of these investigations. In fact, there are 233, and I will table a list of them in a moment.

Furthermore, a three-day conference in Moncton, New Brunswick, was held last August specifically to review the environmental impact of Matacil. The proceedings of that conference, as well as the latest evidence in the published reports, clearly indicate that the use of Matacil for control of spruce budworm in forestry does not pose a significant hazard to human health or the environment.

Countering this considerable body of evidence is that publication, the second copy of which the honourable member has sent me, entitled *The Matacil Spray Report*, William Pigelow, editor and chief author. Mr. Thurlow is a medical doctor, not a toxicologist or a research scientist. He is chairman of an organization called GAG and is said to be an avowed anti-spraying lobbyist. The book was published by GAG apparently without any review or comment by the scientific community, and it does not contain any original research. Those factors cast considerable doubt on the credibility or conclusions drawn from this book.

Scientists in the two lead agencies responsible for pesticide regulation in Canada, the Department of National Health and Welfare and the Department of Agriculture, have informed our ministry that their ongoing review of research has provided no indication that forestry spraying of Matacil presents a human health hazard.

The second point that the honourable member mentioned was the necessity of spruce budworm spray programs. Our ministry has guaranteed to provide 70,000 cunits of wood annually for 10 years to the new Normic Mill in Kirkland Lake. A major portion of this wood will come from Lamplugh and Elliott townships, where budworm spraying is now taking place. In these townships, balsam—which is the species most readily killed by budworm—represents almost 50 per cent of the cut for the next 10 years. There is no alterna-



tive wood supply available for this mill, and thus it is imperative to preserve this wood in a merchantable state until it can be harvested. This particular forest has already suffered four years of heavy damage because of budworm, and another year of heavy damage will result in mortality, decay and loss of commercial value. A similar situation prevails in the Geraldton district, where we are preserving a unique stand of white spruce for veneer production.

The third point that the honourable member mentioned was the so-called Reyes syndrome. In 1976 Dr. John Cocker in Halifax hypothesized that recent cases of the childhood disease Reyes syndrome in New Brunswick could be linked with the chemical used in budworm spraying.

**Mr. M. Davidson:** They're not using it any more, are they?

**Mr. Warner:** That's right. You're in trouble.

**Hon. Mr. Auld:** That is fenitrothion and the emulsifier Atlox. There is no evidence that

Matacil is a factor in the occurrence of this disease and those two emulsifiers are not used in Ontario's program.

**Mr. M. Davidson:** They're not using Matacil, are they?

**Hon. Mr. Auld:** I would like to table a list of those 233 references on the subject of Matacil which have been studied by government staff in reaching the conclusions that I've outlined tonight and in previous statements.

**Mr. M. Davidson:** Are they using Matacil in New Brunswick today?

**Hon. Mr. Auld:** Perhaps after reading this material the honourable member may wish to comment as to whether Matacil is safe and useful. Just to give a little idea of what is involved, we are talking about—

**Mr. Speaker:** The honourable minister's time has expired.

The House adjourned at 10:36 p.m.



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No. 79

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# **Legislature of Ontario Debates**

Official Report (Hansard)

**Third Session, 31st Parliament**

Friday, June 22, 1979

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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An alphabetical list of members of the Legislature of Ontario, together with lists of members of the executive council and parliamentary assistants, appears as an appendix at the back of this issue.

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# LEGISLATURE OF ONTARIO

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FRIDAY, JUNE 22, 1979

The House met at 10 a.m.

Prayers.

## SERVICE OF SUBPOENA

**Mr. J. A. Taylor:** On a matter of privilege, Mr. Speaker: I wish to call to the attention of the House that last Tuesday, June 19, I was served with a subpoena in my office by a representative of the legal firm of Lockwood and Bellmore to appear as a witness in a Supreme Court case involving the Ministry of Community and Social Services.

I believe this to be a breach of my privileges as a member of this House, not only by a person invading my office in this building for such a purpose without your authority, Mr. Speaker, but, more important, I believe it to be a breach of the immunity provided by section 38 of the Legislative Assembly Act which prohibits the arrest, detention or molestation for any cause or matter whatever of a civil nature during a session of the Legislature or during the 20 days following the session.

With respect to the question of whether or not the service of a subpoena constitutes molestation under section 38, I refer the House to May's Parliamentary Practice, 19th edition, page 92 and following. It is not my intention at this time to move a motion to bring the offender before this House. I have no particular objection to acting as a witness in the matter at issue, but I would not like to be placed in the position of providing a precedent which would infringe the recognized privileges of this House and the members thereof.

**Mr. Riddell:** You have my full support.

**Mr. J. A. Taylor:** I thought I would.

**Mr. Riddell:** I will even get on the procedural affairs committee if you want to bring the matter before it.

**Mr. Speaker:** The honourable member has quoted the privilege of immunity that is enjoyed by all members of this House under those circumstances, but the initiative rests with the member, should he choose to pursue it further. I assume he does not, and that the purpose of making his statement was just to appraise the House of what had taken place.

## STATEMENTS BY THE MINISTRY

### MANPOWER COMMISSION

**Hon. Mr. Elgie:** Mr. Speaker, as members will recall, the speech from the throne on March 6 stated that my ministry would be given the mandate to guide and co-ordinate the government's manpower activities and that in recognition of this new responsibility the ministry would be renamed the Ministry of Labour and Manpower.

Much work has been done in the period since the throne speech to prepare for the assumption of this important assignment. A variety of manpower programs are now administered by the Ministry of Education, the Ministry of Community and Social Services, the Provincial Secretariat for Social Development, the Ministry of Agriculture and Food and the Ministry of Industry and Tourism. As well, the work and activities of a number of other ministries have implications for the labour market. In the broadest sense, the assignment given to me in the speech from the throne is to see that all such programs and initiatives are designed, implemented and co-ordinated so as to ensure that our manpower needs are adequately addressed, now and in the future.

After a careful study of the problem, including the assessment of a number of organizational options, I am convinced that something other than a mere realignment of program responsibilities is required.

**Mr. S. Smith:** Yes, a new government.

**Hon. Mr. Elgie:** Accordingly, the government has approved the creation of an Ontario Manpower Commission to be chaired by a full-time manpower commissioner reporting through me to the cabinet. The commission will be empowered to oversee all of the manpower programs and activities of the government and, subject to cabinet concurrence, to make policy and operational decisions concerning those programs.

**Mr. S. Smith:** Don't you have enough civil servants to do that?

**Hon. Mr. Elgie:** You're a nice young man, but just hang on.

Thus, while the commission will be located in the Ministry of Labour and Manpower,



its functional mandate is not limited by ministerial boundaries.

**Mr. Eakins:** There goes your leadership down the drain.

**Hon. Mr. Elgie:** This broad transministerial authority is, I believe, essential if we are to achieve the desired results.

**Mr. Ruston:** What's this all about?

**Mr. Kerrio:** It's time for a vacation.

**Hon. Mr. Elgie:** One of the commission's main and continuing tasks will be to evaluate all existing programs, measure their effectiveness in achieving results and, where appropriate, determine what changes in policy or delivery techniques may be desirable.

A second important function of the commission will be to mobilize community support and participation. I believe all the commissioners who have agreed to serve share the conviction that while central direction is important, successful manpower activities must be firmly rooted in the community. Through a variety of contacts across the province with organizations, associations and groups of interested persons, the commission will promote and encourage local and regional participation in training, counselling and placement, as well as the collection, analysis and communication of timely and accurate labour market data.

It will be obvious to members that the success of the commission will depend in large part upon the calibre of the permanent commissioner and his part-time associates. Therefore, I am particularly pleased to announce today that we have been successful in securing the services of one of the province's outstanding industrialists to chair the commission. Mr. R. Donald Pollock, president and chief operating executive of Canada Wire and Cable Company Limited, who is present this morning in the Speaker's gallery, has agreed to accept this challenging assignment for two years, commencing August 1.

Mr. Pollock is a native of Peterborough, and a graduate of Victoria College. He held important positions with Canadian General Electric and Peat, Marwick, Mitchell and Company before joining Canada Wire and Cable in 1966. He is a member of the Science Council of Canada, and recently chaired a labour-management sector task team established by the Ministry of Industry and Tourism to analyse the electrical and electronics industry in Ontario.

Over the past few months I have had the privilege of working with Mr. Pollock and other representatives of industry, labour and the educational community in an informal

advisory group dealing with the important manpower issues addressed at the Skills for Jobs conference held in June 1978.

I am therefore in a position to say that we have, as chairman, an unusually dedicated, talented and determined individual who believes, as I do, that we must do everything in our power to ensure that our labour force is properly trained and productively employed so as to achieve the growth and prosperity in the 1980s to which we all aspire.

**Mr. S. Smith:** That's the government's job.

**Hon. Mr. Elgie:** We also share the view that our prospects for success depend in large measure upon the co-operative involvement of labour, management and the educational community in this important and difficult endeavour. Accordingly, the commission which Mr. Pollock will chair will comprise persons from the constituencies which I have mentioned who are acknowledged to have wide experience in the manpower field.

**Mr. S. Smith:** Another commission.

**Hon. Mr. Elgie:** I am pleased to advise the House that the following individuals have agreed to serve as commissioners: Mr. Greg Murtagh, director of education, Ontario Federation of Labour; Mr. Peter Dawson, training specialist, the Procter and Gamble Company of Canada Limited; Mary Eady, director, women's bureau, Canadian Labour Congress; and Kenneth Hunter, president, Conestoga College of Applied Arts and Technology. The secretariat of the commission will be headed by John Kinley of my ministry, who has had broad experience in manpower matters, both in government and in the private sector.

Mr. Speaker, with your permission, I should like to refer to a related initiative concerning manpower. It is recognized, I believe, that an essential precondition to effective manpower planning is accurate knowledge of industry's needs. We hear much about the shortage of skilled labour, but we need to have the best possible information about where shortages are likely to occur in the near, mid- and longer term so the appropriate training, guidance and placement planning decisions can be made. This in turn requires that industry share with us their demand forecasts.

Due in large part to Mr. Pollock's determined efforts, a comprehensive labour market information survey is about to be launched. The survey was designed by the labour market information unit in my ministry and is being distributed under the sponsorship of Mr. Pollock and four Ontario industrial-



ists: Gerald Elford, president of Upper Canada Manufacturing Limited; Chester Fisher, executive vice-president, Fisher Gauge Limited; Gerald Heffernan, president, Co-Steel International Limited; and Sheldon Lush, chairman and chief executive officer, Supreme Aluminum Industries Limited.

The wide distribution of the survey, the first of its kind in Ontario, is made possible as a result of the co-operation of the Ontario division of the Canadian Manufacturers' Association and the Canadian Federation of Independent Business, all of whose members will be canvassed.

I believe the support by Ontario employers and associations of this essential information-gathering endeavour is an encouraging example of the widespread and genuine concern about manpower matters and the co-operative spirit in which the community is prepared to address them. I think this co-operation augurs well for the work of the new commission.

I am sure that all members join with me in expressing the hope and conviction that the Ontario Manpower Commission will make a significant contribution to one of our most urgent social and economic issues.

[10:15]

#### CEMETERIES LEGISLATION

**Hon. Mr. Drea:** Mr. Speaker, I want to draw to the attention of the Legislature the fact that my ministry intends to amend the Cemeteries Act in the fall session. To ensure the opportunity for full consultation and consideration by all parties involved, a discussion draft will be sent to them for comment over the summer.

The first cemeteries legislation was passed in 1850 and has been revised from time to time since then. However, there have been no revisions for the past 11 years, in spite of the fact that business operations have changed substantially in that time. As part of the process of preparing the proposed bill we have held discussions with those directly involved, and I believe it will reflect the changes requested by the Ontario Association of Cemeteries.

We have also met with the joint steering committee on native affairs and have reached agreement in principle with them.

The discussion proposal clarifies the responsibilities of the municipalities with regard to the establishment and enlargement of cemeteries and related structures. This will enable municipalities to deal with cemeteries as an integral part of their land-use planning.

This provision is consistent as well with the Ontario government policy of deregulation.

By eliminating the need to pass trust fund accounts in surrogate courts, the act provides financial relief to the older, smaller cemeteries. Accounts will now be filed with the cemeteries branch of my ministry. I want to emphasize, however, that we have maintained the right of the family to ask for, and to receive, information about those accounts.

The cemeteries branch will also provide a watchdog function over any commercial operations regarding cemeteries in order to ensure that they operate in accordance with the law.

An expanded licensing provision is also included which would require all cemeteries in Ontario to be licensed. However, we intend to proclaim this section only if events so demand.

My staff has spent many months meeting with the organizations and people directly affected, and I am confident the discussion bill which will be sent out within the next few weeks will reflect the concerns of all involved. I would ask that comments be directed to the cemeteries branch of my ministry by the end of August in order that we may proceed with the necessary legislation as soon as the House resumes this fall.

#### FIREFIGHTING BY INMATES

**Hon. Mr. Walker:** Mr. Speaker, I wish to advise the House that the Ministry of Correctional Services is assembling an emergency team of inmates to assist the Ministry of Natural Resources with firefighters duties in northern Ontario, should their services be required.

Yesterday, plans had progressed to the point where upwards of 60 inmates were to be deployed to the fire fronts from correctional institutions in Kenora, Thunder Bay and Monteith. Although rain within the last 12 hours has alleviated the immediate need, the emergency inmate team remains on standby and will respond within a couple of hours if necessary.

This service to the people of Ontario will be available throughout the fire season. If more manpower is required, other jails and correctional centres will provide help.

The inmates will assist with cleanup and other such duties as assigned by the Ministry of Natural Resources and will, of course, be under the custodial supervision of correctional officers. The emergency team will remain on duty for as long as there is a need.

The participating inmates will be volunteers. They are being carefully screened to ensure they pose no threat to community safety.



This response to a provincial emergency is in keeping with our philosophy of encouraging inmates to accept responsibility for civic duty. Last year, with the encouragement of the member for Chatham-Kent (Mr. Watson), inmates provided 177,600 hours of community work to the citizens of Ontario. More than 1,300 inmate man-hours were spent clearing flooded land in Dover township this spring.

We do not believe inmates should sit idly in jail, at the taxpayers' expense, when there are so many opportunities for them to make repayment to society through useful community service. Work of this nature helps to instill a sense of responsibility. Time is spent positively and inmates learn firsthand that there are many people worse off than they are. The remedial benefits speak for themselves.

### ORAL QUESTIONS

#### MANPOWER POLICY

**Mr. S. Smith:** Mr. Speaker, I have a question of the Minister of Labour stemming from the statement he just made to the House. Does he recall that on October 28, 1974, the Provincial Secretary for Social Development stood and said the following, announcing the creation of a manpower secretariat: "The manpower secretariat is an outgrowth of the work within my secretariat which indicated the need for closer liaison among ministries regarding manpower policy. Some time ago, it became evident that there are special problems in co-ordinating requirements for skills with the effort of our education ministries and with the responsiveness of the labour market to changing circumstances."

These are very familiar words indeed, since we have just heard them again. Will the minister therefore admit that this secretariat, which still exists in this government and which was set up five years ago to do the necessary job, has been an abject failure? Will he admit that his statement today of a new, outside commission is an indication of a recognition of that failure? If he agrees with me, would he tell us whether he has analysed the reasons for the failure of the existing manpower secretariat and what assurance he has that the new commission will do a better job?

**Hon. Mr. Elgie:** Mr. Speaker, I am sure that when the statement the member referred to was made in 1974 there was an honest belief that those steps being proposed would indeed solve the problems then perceived. Clearly, in our view they have not progressed as rapidly as one would have hoped and it was felt that a new modality, a new concept, was required.

As to why we chose the suggestion of a manpower commission, I hope the member will agree there was a great variety of choices. All the other choices involved moving parts or the whole of programs into the Ministry of Labour. Frankly, it was my feeling we would spend so much time realigning programs and transferring and adjusting things that again there would be delays in getting down to dealing with the problem. I thought we would be far better off to approach it with the concept of a manpower commission headed by people who are separate and distinct from government and who have a definite, committed interest in the problem which goes beyond the interest of any of us, because they are involved in it and they know the specific needs.

It is my feeling that this semi-independent body, with the direct access it will have through me to the Executive Council, will be very influential in policy matters and in program matters. I see this as the correct approach and I trust members will agree with me.

**Mr. S. Smith:** May I ask two things? First of all, will the manpower co-ordinating committee secretariat, under the executive co-ordination of Mr. J. R. Kinley and with a number of other employees, be immediately disbanded? According to what the minister said, it obviously has been a disappointment. Furthermore, did the government not consult with people in labour and industry and so on during the past five years? If it did consult with these people, why were no results produced so that government has to start all over again by handing the job over to a new commission?

The basic question is, does the minister not recognize that this has been a serious failure on the part of the government and that handing the matter over to a new commission now, especially since rumour has it that the reason the old one failed was lack of interministerial co-operation, should have been preceded by an analysis of the existing failures?

**Hon. Mr. Elgie:** With regard to the manpower secretariat, as I have already indicated in my statement that secretariat and Mr. Kinley will remain in the Ministry of Labour but will serve the manpower commissioner and the commission. The Ontario manpower co-ordinating committee secretariat as a body per se will be dissolved. Frankly, I do not say it was a failure; I just say it was not acting rapidly enough and we were not achieving the results I see a commission such as



this being able to achieve. I can't say it was a failure.

**Mr. S. Smith:** Five years and no results.

**Hon. Mr. Elgie:** The member well knows the problems and the complexity of the problems related in gathering the information and in getting an effective program going. I am convinced the approach we are taking is the correct one.

**Mr. S. Smith:** Will you take five years?

**Hon. Mr. Elgie:** Let's hope the member is around to find out.

**Mr. Cassidy:** Supplementary, Mr. Speaker: One cannot help suspecting the government has done the minimum possible to carry out the promise made in the throne speech about turning this ministry into the Ministry of Labour and Manpower. Can the minister say what specific powers this new manpower commission or the minister himself will have if the community colleges cannot afford to expand manpower training because of shortages of funds? What specific powers will the new manpower commission have when high schools cannot offer up-to-date training because they can't afford new equipment? What specific powers will this new organization have if the selective placement service of the Ministry of Industry and Tourism is looking for skilled workers abroad rather than putting pressure on employers to make sure they train them here in this province? What specific powers will this ministry have, now that it is the Ministry of Labour and Manpower, if what is required is additional funding to ensure we get the skilled workers we need, but that funding is not available because of the cutback policy of this government?

**Hon. Mr. Elgie:** First of all, Mr. Speaker, I will comment on the member's concern about the effectiveness of a commission such as this. I can only reaffirm my own conviction that this is the right approach and will be the most successful approach that could have been taken by government.

As to the terms of reference, they are outlined partially in the statement I have given. They will oversee all of the manpower programs and activities of the government and, subject to cabinet concurrence, make policy and operational decisions concerning those programs. In other words, they will have an almost direct connection to the Executive Council so that the council can directly respond to their recommendation.

That is a pretty important linkage and an important commitment by the government regarding its concern on the manpower issue.

**Mr. S. Smith:** You're appointing Kinley all over again.

**Mr. Sweeney:** Supplementary, Mr. Speaker: Can the minister tell us what authority will this new commissioner and this new commission have to direct—and I specifically choose that word—the post-secondary institutions and the adult training institutions in this province to carry out certain mandates?

**Hon. Mr. Elgie:** Mr. Speaker, that is one of the very matters the commission will have incredible input into. Naturally, the first role will be to see if the changes the commission feels are warranted can be achieved by negotiation. But the importance of the terms of reference is that if there is a failure of co-operation in any way, then there is direct access to the cabinet so that there can be a cabinet direction as to the direction that is to be taken. I think that is an important initiative.

**Mr. S. Smith:** You had it before.

**Mr. Renwick:** By way of a supplementary question, Mr. Speaker, why would the minister, which is quite uncharacteristic of him, want us to agree to a reorganization of his ministry, when the first initiative he takes is to shuffle off the very responsibility we have been asked to confer upon him?

**Hon. Mr. Elgie:** With all respect, Mr. Speaker, I thought I had answered that in one of my previous responses. There were a variety of options presented to us, as I am sure the member can appreciate.

**Mr. Renwick:** Why did you choose the wrong one?

**Hon. Mr. Elgie:** One option was a total realignment of programs bringing them under the Ministry of Labour. The second option was partial realignment of some programs.

**Mr. Mackenzie:** There is no realignment.

**Mr. McClellan:** It's going to be chaos as usual.

**Hon. Mr. Elgie:** Frankly, we felt and I felt there was too much time spent in the realignment process and not enough time spent dealing with the issue. The programs are in place. They can be utilized while they are still in the place they are, and time need not be taken in the realignment process to achieve the goals we had in mind.

#### DISCOUNT PRACTICES

**Mr. S. Smith:** I have a question for the Minister of Agriculture and Food regarding the food price inquiry. It has probably come to the minister's attention that Mr. Hull is



now taking a slightly more aggressive line in his questioning, but he has been refused information with regard to the discounting and kickback practices by the president of Loblaws, Mr. Nichol.

**Hon. Mr. Davis:** You wanted him fired.

**Mr. S. Smith:** It is amazing how it got him going. He was alerted for the first time in this commission.

**Hon. Mr. Davis:** You wanted him fired.

**Mr. Speaker:** The question, please.

**Mr. S. Smith:** If the Premier insists on interjecting, I feel I should at least respond to these interjections.

**Mr. Speaker:** Just ignore the interjections.

**Mr. S. Smith:** It is hard to ignore the Premier, Mr. Speaker.

**Hon. Mr. Davis:** That's true. That's something you should learn.

**Mr. S. Smith:** I will attempt to. I will do my best.

**Hon. Miss Stephenson:** That's not good enough.

**Mr. S. Smith:** I can assure the Premier that this is a domestic matter. He is allowed to express an opinion on this matter.

Since Mr. Nichol refuses to give this information, does the minister not agree it is time the government expressed a view, before this matter goes any further, that all the information pertinent to the discounting practices, the size of the kickbacks and so on, must be obtained by the commission with subpoena, examining documents and with all means necessary to do so and must be made public? Isn't it time to express that view?

**Hon. W. Newman:** Mr. Speaker, I never cease to be amazed at the Leader of the Opposition.

**Mr. MacDonald:** Just answer the question.

**Hon. W. Newman:** I will answer the question. You just be quiet.

**Mr. Breaugh:** We are just trying to help you.

**Mr. Speaker:** Order.

[10:30]

**Hon. W. Newman:** Both parties opposite wanted a royal commission and they have got a royal commission. The Leader of the Opposition wanted the lawyer fired the other day. The lawyer has come on very strong on Loblaws. I don't know how lawyers operate. I'm not a lawyer, and I never know how they operate, but they do have strategies, I guess, on how they work and how they do things.

If the honourable member is so concerned—and I understand he is going to make a presentation—he has the right to ask to have legal counsel down there. Why does he not have his own people there asking some questions if he is really showing concern about it? He could have one of his legal people down there. He just has to go down and ask. All he wants to do is talk. The honourable member has certain rights if he wants to use them and not for political purposes.

The judge has the right and has the power under the order in council over a wide range of things that he can do. It's up to him to decide what he is going to do, and I'm not going to tell the royal commission how they must conduct themselves.

**Mr. S. Smith:** Since it is perfectly evident that they don't have a leg to stand on in their contention that these discount matters must be kept confidential for the sake of the fear of competitive information being given out, why doesn't the minister, if he has any interest at all in the success of this commission—which I seriously doubt—at least express the opinion and the view, albeit that the judge will make the final decision, that the commission should take every means possible, including subpoena, to obtain the information on the kickback practices and, furthermore, to make it public? Express a view; have some courage.

**Hon. W. Newman:** The honourable member is asking me to tell the judge what to do. That's exactly what he is doing; he is asking me to tell the judge what to do. The judge knows how to get the facts; he knows the way to get them. In the final analysis, when this commission is finished, I think they will have all the facts and figures they want and need.

**Mr. MacDonald:** Mr. Speaker, I have a twofold supplementary for the minister. What is the point of the minister asking either the Liberal Party or the New Democratic Party or anybody else to have a counsel down there when the Ontario Federation of Agriculture counsel is cut off half the time when he tries to pursue questions? He is cut off by Rodney Hull. That's my first question.

Secondly, when Loblaws president Nichol came before the standing committee on resources development last year and he was asked questions on discounts, he answered them; in fact, he was very open and was going to tell us everything in a very grandiloquent way. Isn't his refusal to give that information now absolute stonewalling of the operation? If the commission isn't willing to



do something about the stonewalling, will the minister not do something?

**Hon. W. Newman:** Mr. Speaker, taking these questions in reverse order: As far as Mr. Nichol or anyone else refusing to give information is concerned, I understand there was some information given by him at the hearing the other day, off the top of his head.

**Mr. MacDonald:** Why was it off the top of his head?

**Hon. W. Newman:** A document was filed, which I understand has been checked out by the commission. We have a legal counsel sitting at the commission also asking some questions. We are very interested in what goes on. As far as I am concerned, we want to make sure that everything is done correctly, but I refuse to tell the judge and the counsel what to do.

To answer the first part of the honourable member's question regarding the legal counsel for the Ontario Federation of Agriculture, if the member had the integrity or sent one of his people down to watch those hearings, he would know the reason counsel gets cut off is that he is out of order.

**Mr. S. Smith:** Mr. Speaker, is the minister, the man who is supposed to be standing up for the farmers and the consumers, saying to this House that he feels that he is legally precluded from expressing a view on the matter? We're not saying he should tell the judge what to do. Does he say he's legally precluded from expressing a view on the matter? If not, why doesn't he have the courage to express a view on the matter?

**Hon. W. Newman:** Mr. Speaker, that isn't what I said at all. I said a royal commission has been appointed and is looking into the matter. I am as interested in it as the member is or anybody else is—

**Mr. MacDonald:** Your procedures are phoney.

**Hon. W. Newman:** —and if he would stop trying to make politics out of it, as he did the other day, it would let them get on with their job.

**Mr. Makarchuk:** Mr. Speaker, a supplementary question. In view of the fact the judges' or commissioners' reports from past commissions have been rather predictable, would the minister not consider cancelling this inquiry to stop wasting more public funds?

**An hon. member:** It is a copout the way you are doing it.

**Mr. Cassidy:** Either make it work or don't do it at all.

**Mr. S. Smith:** Express a view.

**Hon. W. Newman:** Mr. Speaker, all I can say in answer to the members over there is, they asked for it, and now they want to cancel it. They never know where they are going.

**Mr. MacDonald:** Do you know where you are going?

**Mr. Foulds:** Nowhere.

## SKILLS TRAINING

**Mr. Cassidy:** Now that it is clear the Ontario Manpower Commission will work through other ministries rather than working on its own, Mr. Speaker, I have a question to the Minister of Education regarding the very sharp decline in enrolments in a number of important technical subjects over the course of the last couple of years in the high schools of the province.

Can the minister explain why it is that there has been a 15 per cent drop in grade nine and 10 students in drafting over the course of the years 1976 to 1978? That is a drop of about 6,500 students. Since machinists are so vital in the province, can she explain why there has been a drop of nine per cent, or about 3,300 students, in machine shop practice in those early years of high school; since the aircraft industry is important, why there has been a drop of 67 per cent, or 360 students, in students taking courses in aircraft; or why there has been a drop of 1,800 students, or 22.5 per cent, in the grade nine and 10 students taking automobile servicing in order to start to become mechanics?

**Hon. Miss Stephenson:** Mr. Speaker, it is obvious there is an interest in the skills-related area which is evinced by the students who graduate from secondary schools in their applications to community colleges.

I would remind the honourable member that there has been a significant drop in the numbers of students attending secondary school. I am also aware that in some specific schools there has been a problem with the scheduling of the curriculum in a way that makes it possible for the students to participate at the kind of level that would be appropriate in certain of the technical areas.

I have been doing my best over the past 10 months to talk to headmasters, to school boards and to those responsible for the development of curriculum schedules, to modify the kind of programming that is done in order to ensure the appropriate arrangements are made to permit the students a kind of educational program that will encourage them to become involved in those kinds of subjects the honourable member is talking about.



**Mr. Cassidy:** Can the minister explain why it is students were involved in these courses two years ago, but there are far fewer of them in these courses today, particularly when the overall decline in secondary school enrolments between 1976 and 1978 was only one quarter of one per cent? Will the minister not agree that her ministry should be doing a great deal now to stimulate interest and involvement by students in these technical subjects in order that we have a supply of skilled manpower to fill Ontario's industrial needs over the course of the 1980s?

**Hon. Miss Stephenson:** I am just delighted to hear the honourable leader of the third party endorse the activity I have been actively involved in for the last six months.

**Mr. Martel:** You are so far behind the times.

**Mr. Sweeney:** Mr. Speaker, a supplementary question: Given that one of the main reasons a lot of students are not taking these programs is that they have been told by the secondary school staff that they cannot guarantee they will be able to continue the program for the full four or five years, is the minister prepared to make any provisions to assist school boards to guarantee students that if they start a program they are going to be able to finish it?

**Hon. Miss Stephenson:** Mr. Speaker, it is the role of the school board to co-operate in this function, and it has been my role over the last several months to ensure the school boards are aware of the needs to ensure continuity of the programs and to attempt to assist them in making that assurance by providing some extra assistance in the area of technical education in the budget allocations for school boards this year. I have also been involved in many discussions with the technical directors, with technical teachers and with the teachers' federation, which is responsible for representing them, to alert them to the need for an emphasis on this kind of educational program which equals the kind of emphasis given to academic programs which have been traditional within the school system.

We are trying our best to ensure that the students who want to become involved in this kind of program will have that opportunity and, as a result, we have introduced eight new programs which will maintain continuity, not only within the secondary school program but in the post-secondary program as well, and we intend to expand that program within the next several months.

**Mr. Bradley:** Same old story.

**Hon. Miss Stephenson:** No, it isn't.

**Mr. Cassidy:** A final supplementary, Mr. Speaker: If I can bring the minister's rhetoric down to specifics, what has the Ministry of Education done to restore the industrial arts program at the Chapleau High School, a matter I raised in this Legislature about six or seven weeks ago, in order that students in that particular isolated area of northern Ontario can have access to any form of technical courses at all? What has the Ministry of Education done in the case of a large number of technical high schools or composite high schools across the province, where the equipment they are using is becoming more and more out of date compared with what is used in industry outside and the school boards cannot afford to get decent equipment because of the cutbacks?

**Hon. Miss Stephenson:** Mr. Speaker, the specific problem of the Chapleau High School is being investigated by the northern regional office, and I presume that report will be coming to me in a very few days.

The problem the member raises regarding the kind of equipment that is present within the secondary school system is one we have attempted to make at least a step towards resolving by the additional funds which were provided for that purpose this year, and it is our intention to move further in succeeding years in that area.

There is also intensive activity taking place in a number of communities in the area of co-operative educational programs which will ensure that the equipment the students will be taught upon is the latest of equipment which most school boards could not possibly keep up with in any kind of a very generous delivery of funds to the school system.

The community colleges have the same kinds of problems. It is not possible to ensure that the latest generation of specific equipment is present within the educational institution. It is more important to make certain that the kind of equipment which provides the basic and generalist knowledge for the student is there, that it is in good condition and that the newer and more specialized equipment is available to the students through co-operative education programs with the co-operation of employers within the community. That is one of the directions in which we are working.

#### LIQUOR REGULATIONS

**Mr. Cassidy:** Mr. Speaker, I have a question of the Minister of Consumer and Commercial Relations. Would the minister justify



the 50-50 ratio under which dining lounges such as Willy's Wine Bar, in my riding of Ottawa Centre, have to sell as much food as liquor in each month in view of the recent massive increases in the price of wine? Isn't a result of those massive increases in the price of wine that an establishment like Willy's Wine Bar has no choice but to inflate the price of food to maintain the ministry's ratios?

**Mr. Peterson:** They are putting the price of food up. What are you worried about?

**Hon. Mr. Drea:** Mr. Speaker, I draw to the attention of the honourable member—and I would have thought he would have known this—that the price of food is rising twice as fast as the price of wine. So, a 50-50 ratio, in terms of selling food, actually is a break.

**Mr. Peterson:** Why don't you bring them down?

**Mr. Cassidy:** Since Willy's Wine Bar opened up in November 1978, I think it is news to everyone in this House that the price of food has gone up as quickly as the Liquor Licence Board of Ontario wine prices over the course of those six months.

Is the minister aware that this particular licensee, who is now required to appear before the liquor licence board on July 26 here in Toronto, was told by a board inspector, "Things will go much better for you in Toronto if you do not talk to the press"? Will the minister step in to stop this kind of harassment and ensure that a small business that is trying to get established can get a decent break?

**Hon. Mr. Drea:** I want to make it extremely explicit that, number one, I think it would be highly improper, and I would never interfere with a proceeding of the liquor licence board.

**Mr. MacDonald:** What about your inspectors?

[10:45]

**Hon. Mr. Drea:** Will the member please calm himself down?

I am deeply disturbed by that type of allegation. I will look into the matter. At no time will I, as the minister responsible to this House for the liquor licence board, or any other part of my ministry, countenance an attempt at silencing a person, a small business or a corporation, from expressing free comment or from stating a case to the public in any way.

**Mr. Swart:** Will you examine their political affiliation?

**Mr. Cassidy:** Can the minister explain why it is that an establishment like Vine's Wine Bar in Toronto can advertise itself as being

"truly reminiscent of a London wine bar"?—that's an established wine bar—but an establishment like Willy's in Ottawa, which has been trying to get off the ground and is running into great difficulties with the ministry, should have its advertisements in the local press monitored on a regular basis by the Liquor Licence Board of Ontario inspectors and be sent letters telling the establishment it is not to use copy references to "a wine bar" and "a downstairs bar"?

Is it normal that high-priced inspectors of the LLBO should be monitoring the local press to see whether each apostrophe in each word of every advertisement is going to be correctly used or not?

**Hon. Mr. Drea:** The leader of the New Democratic Party knows perfectly well that one of the jurisdictions of the liquor licence board is control over advertising—not just advertising of the product but signs, public advertisements and so on.

About this wine place in Toronto the member speaks of in comparison with some wine bar in London, England, I don't know. I've never been in a wine bar. That must have been one that escaped me. I really don't know what the member is talking about. If he is complaining that the place in Ottawa is being harassed, I will look into it. But I will tell the member there are certain places in Ontario whose ads the minister monitors. They know what they can put in an advertisement; they know what they are specifically forbidden to put in an advertisement, and they are going to conform to the law.

Perhaps the leader of the third party is asking me to make a special dispensation for the Ottawa wine bar because it can not sell enough food. When it made an application—if I understand the member correctly, it opened last year—it was cautioned it might lose its licence if it did not conform to the 50-50 food ratio. Now, if I understand correctly, it says that because of the increase in the price of wine it cannot sell enough food. However, the price of food has been going up at twice the rate of alcohol price increases in the last year, and they are going to have to conform to the law.

[Later (11:22):]

**Mr. Cassidy:** Mr. Speaker, earlier in the question period the Minister of Consumer and Commercial Relations stated the price of food had gone up at twice the rate of the price of wine. The price of food—I have checked the figures—has gone up by 17 per cent in the past year, but we were unable yesterday to get any index on the increase in the price of wine from the Liquor Control



Board of Ontario. I cannot see how the minister can make that claim, particularly when many wines doubled in price on April 30 of this year.

**Hon. Mr. Drea:** Mr. Speaker, from the time of the licensing of that establishment I will stand by the statement I made. It was licensed last year when there was a freeze on the price of wine. It operated for quite a considerable period of time with wine subsidized by the taxpayers of the province because of that fact. It is a well-known fact how much the price of food has gone up, particularly institutional food, because of the difficulty in obtaining fresh produce during the wintertime.

If the member wants statistics, his informant should give me her order. I want to know what wine she is buying. I presume she feels too good to buy Ontario wine. I could give her that off the top of my head. If she will provide me with a list of the particular brands of wines she has bought, I will send her a letter.

[Reverting (10:43):]

#### REVIEW OF BILL 100

**Mr. G. I. Miller:** Mr. Speaker, I have a question for the Minister of Education arising out of the strike of secondary school teachers in Haldimand county in this school year. The students were out of school for a two-month period, and it came to light that the students did not have rights with regard to their education.

Can the minister tell us when she is going to make public the results of the long internal review of Bill 100?

**Hon. Miss Stephenson:** Mr. Speaker, the internal review of Bill 100 is now almost complete. I have discussed the potential activity following the internal review with members of the Council of School Trustees Associations, the Ontario Teachers' Federation and the Council of Home and School Federations of Ontario. It is possible we shall be establishing a multipartite external committee to examine the findings of Bill 100 results over the last several years to try to determine whether there should be major or even minor modifications of the act.

I should like to assure the member for Haldimand-Norfolk (Mr. G. I. Miller) that one of the problems related to the difficulty he has talked about, the dispute between the teachers and the board in that area, had its roots in a very long-standing attitude of confrontation without resolution of problems. The Education Relations Commission has

informed both parties in this area that it would be delighted to participate in a preventive mediation activity, now that the strike is settled, to ensure that all those problems which seemed to be lighting the brush fires that caused the dispute to degenerate into a strike could be removed before the next set of negotiations begins. I am very hopeful that that activity will take place.

**Mr. G. I. Miller:** Is the minister reviewing the responsibilities of the Education Relations Commission with regard to the rights of the students? Will there be a closer connection there so that the rights will be protected?

**Hon. Miss Stephenson:** That is a necessary activity in the review of Bill 100.

**Mr. S. Smith:** The government can't agree on human rights.

**Mr. Cunningham:** Supplementary, Mr. Speaker: I would like to ask the minister how she can justify touring around the province with this internal report and not take it upon herself to table this report in the Legislature, where it belongs? She has discussed it with everybody else. Why can't she table it in the Legislature?

**Hon. Miss Stephenson:** Mr. Speaker, I have not discussed the report with the other parties that I mentioned. I discussed with them the possibility of the establishment of a multipartite external committee to examine the report when it is ready. It is not as yet ready.

**Mr. S. Smith:** The Minister of Intergovernmental Affairs and you cannot agree.

#### CHEESE PRODUCTION

**Mr. Laughren:** Mr. Speaker, I have a question for the Minister of Agriculture and Food—if he will stall his departure for a minute—about the cheese industry in the province of Ontario. Is he aware of just how serious the decline in that industry is, in particular in cheddar cheese? In the past 25 years Ontario's share of Canadian production has dropped from 93 per cent to 33 per cent and there are now only about 65 cheese factories left in Ontario, compared with about 1,200 at the turn of the century. Does the minister agree that this is extremely serious, both in terms of the lost job opportunities in that industrial sector and in the very serious trade deficit of almost \$60 million last year?

**Mr. Riddell:** Pull out one of your old speeches.

**Mr. Nixon:** Blame the feds.



**Hon. W. Newman:** Mr. Speaker, I am very pleased to answer this question, because quite obviously the member has been around here for a few years.

**Hon. Mr. Davis:** Too long.

**Hon. W. Newman:** Ever since I have been Minister of Agriculture and Food, we have seen this problem coming because of the industrial milk program across Canada and the allocation of industrial milk to the province of Ontario.

**Mr. Kerrio:** Federal government stuff.

**Hon. W. Newman:** Sure it is; I'm not changing my mind just because the government has done it. I know they will know how to handle it.

**Mr. S. Smith:** What have they done so far?

**Mr. Swart:** You will eat those words.

**Hon. W. Newman:** Coming back to cheddar cheese, I am very concerned about the industrial milk supply to the province of Ontario which goes to cheese production. The Ontario Milk Marketing Board takes the industrial milk that we have allocated to the province and puts it out on various kinds of cheese. For instance, for specialty cheese there is no quota, but for cheddar cheese they do have to have a quota on it.

We have had discussions with the Milk Marketing Board over a period of time. I have been fighting for more market share quota for this province for two and a half years because I feel we need it here in this province. We don't want to be greedy and take it away from everybody else, but we want our fair share. I have said I want a total dairy industry in this province, and I do not want the cheddar cheese industry to be out of business.

I have even asked for credit on MSQ from the government of Canada—that is market share quota, in case the member doesn't know. We can export cheddar cheese, we've got markets for it from this province, and yet we can't get the milk allocated to us from Ottawa to do it.

**Mr. Laughren:** And there you sit.

**Hon. W. Newman:** Sit? No.

**Hon. Miss Stephenson:** The member knows nothing about it.

**Mr. Riddell:** A supplementary question, Mr. Speaker: Now that we have a new Minister of Agriculture in Ottawa, has the minister made any effort to contact him to recommend to him that we are going to have to take some of Quebec's allocation and some of Alberta's allocation away from them in order to give it to Ontario so that we can produce

the cheese to meet the market that he says there is for it?

**Hon. W. Newman:** Mr. Speaker, I have every confidence in the new Minister of Agriculture in Ottawa, and I know that he knows the problem. I have discussed it many times in advance of his taking over, because I knew he was going to take over. So he knows full well the problem. He knows—at least I think he knows—there has to be a better distribution of MSQ when there is one province not using its total allocation. I'm not picking on any one of our sister provinces, but I know and the member knows which one it is.

**Mr. Bradley:** But having said that.

**Hon. Miss Stephenson:** We know which one it is.

**Hon. W. Newman:** When one province can ship all the milk it wants to ship and doesn't totally utilize its quotas, it's time there was some adjustment in the system. They should lose some of that quota if they're not going to utilize it, and give it to someone who can utilize it.

Here in Ontario we have gone through a very difficult time as far as the cheddar cheese people are concerned.

**Mr. Nixon:** We lost ours because we didn't utilize it. That's how we lost it.

**Mr. Laughren:** Supplementary, Mr. Speaker: Have the minister and his officials done any work at all on the potentially increased markets, particularly for cheddar cheese, with the European Economic Community as a result of the GATT negotiations which should give us increased opportunities for exports of cheddar cheese and which would enable us to easily wipe out the deficit we now face?

**Hon. W. Newman:** Mr. Speaker, it's quite obvious the member doesn't know the price of cheddar cheese in the European Economic Community, what it would sell for and the sort of tariff barriers in the agricultural community over there. If the member doesn't understand that, I'll explain it to him.

**Mr. Laughren:** I know a lot more about that than you do.

**Hon. W. Newman:** We could send a boatload of cheese over to the EEC market tomorrow and before that boatload would land in the EEC, they could have moved the tariff up to the point where it was almost impossible to deal with.

**Mr. Laughren:** As a result of GATT.

**Hon. W. Newman:** Just a minute. After the GATT negotiations they will allow so many million pounds in—



**Mr. Breaugh:** Why do you give up so easily?

**Hon. W. Newman:** —which we will have no trouble fulfilling at all.

**Mr. Breaugh:** Why don't you fight for it?

**Hon. W. Newman:** We'll have no trouble fulfilling that quota—and more, if they would let us do it.

**Mr. Laughren:** We don't have the factories.

**Hon. W. Newman:** We don't have them in the province of Ontario because we don't have the milk. The member knows where it is. It comes from Canada. It has to come from Canada.

**Mr. Laughren:** And you sit there. What are you going to do about it?

**Mr. O'Neil:** Mr. Speaker, could I ask the minister a supplementary? I wonder if he could tell us, in his discussions with the new federal minister, what comments the new federal minister made as to what he was going to do to correct the problem?

**Hon. W. Newman:** Mr. Speaker, there is a federal-provincial conference which will be held in about three weeks' time. There also is a national supply and management committee working right now looking at the total picture of national supply and management of industrial milk. If the member reads *Farm and Country*, he'll see the Conservative policy, and I'm quite sure he will carry it out.

#### COURT FACILITIES

**Mr. O'Neil:** Mr. Speaker, I have a question of the Attorney General. I wonder if I could ask him if he would have his officials investigate the shortage of criminal court facilities in the city of Belleville, in the Quinte area, where over the past few years the caseload in these courts has increased substantially, resulting in unnecessary delays, changes in scheduling and many other additional pressures?

I might also add space is available but funds have not been forthcoming for renovations and furniture.

**Hon. Mr. McMurtry:** Mr. Speaker, the caseloads have increased dramatically in almost every area of the province, but I will be very happy to look into the situation to which the member refers. I will get back to him as to what we are doing specifically in that area to relieve the caseload and in relation to any additional facilities that may be coming on-stream in the near future.

**Mr. O'Neil:** Supplementary, Mr. Speaker: When the Attorney General's officials are investigating the shortage of facilities, would

he also consider the appointment of additional judges for both the provincial and criminal courts and an additional full-time assistant crown attorney and the staff to assist in these positions?

**Hon. Mr. McMurtry:** These matters will be taken into consideration, Mr. Speaker.

#### CHEMICALS IN SCHOOLYARD

**Mr. M. Davidson:** Mr. Speaker, a question of the Minister of the Environment. The minister will recall a question I raised with him regarding soil contamination at Manchester Public School in Cambridge. Is the minister aware that blood tests have shown two pupils to have lead levels in excess of what is considered to be normal? That is two pupils out of a total of 22 children and teachers who have been tested in that school. Will he give us his assurance that, given these lead levels have in fact, been found to be excessive, further tests will be carried out on the other children in that school to ensure their health is protected?

**Hon. Mr. Parrott:** Yes, I will, Mr. Speaker. [11:00]

**Mr. M. Davidson:** A supplementary: Can the minister then tell us why it would be that his official in Cambridge, Mr. Mike Caranci, has indicated publicly that tests will be discontinued if readings do not show higher levels than they have done at the present time? Can he also tell us if the provincial government has an effective method of testing nickel content in human beings, given that nickel, which has also been found in the soil, is potentially more harmful than any of the other metals?

**Hon. Mr. Parrott:** We took some tests a while back and the tests were within normal range. Subsequent tests were taken with more stringent controls and there was a slight elevation over normal standards. On that basis, we were prepared to do further testing.

As for the details of how we are able to test for nickel, I'm afraid I don't have that technical expertise. I'd be glad to give it to the member. I don't know whether we have the capabilities for testing for nickel; I suspect we do. I know we have great capabilities for testing for all heavy metal and, I suspect, nickel is included. But to make a yes or no answer I'll have to confirm that later.

#### LAURENTIAN HOSPITAL

**Hon. Mr. Elgie:** Mr. Speaker, last week the member for Sudbury brought to my attention a matter concerning Laurentian Hospital and one of its employees who was receiving work-



men's compensation benefits and who, it is alleged, was subjected to surveillance by a private investigator engaged by the employer.

I've discussed the member's question with the Workmen's Compensation Board and I am advised by them it is very rare for evidence obtained by such investigators to be tendered at board hearings. Where such evidence is tendered, it is the board's obligation to rule on its admissibility, and if it is found by the board to be admissible, to give it only such weight as it sees fit.

It is important to realize that the board, as a quasi-judicial administrative tribunal, is obliged to act in its adjudication upon what is admissible as proper evidence, bearing in mind that in so doing its rulings may be subject to judicial review by the courts. I, therefore, don't believe it would be proper for me to attempt to instruct the board on my own personal views as to its right to accept evidence in any given case so long as the board subjects such evidence to careful scrutiny. I also do not believe any useful purpose can be served by expressing my personal view on the role of private investigators who are retained to gather evidence for use in litigation.

**Mr. Warner:** That board's out of control.

**Mr. Laughren:** The minister leads it around by the nose.

**Hon. Mr. Elgie:** It is well known that the use of such investigators is widespread in all forms of civil litigation and the courts have always made it clear that such evidence must be subjected to careful examination and scrutiny. If, in the course of gathering that evidence, investigators act in an unlawful manner, there is a legal remedy.

Whether evidence obtained under such circumstances is admissible, or is in some way tainted by the illegal conduct, would be a matter to be determined by the tribunal. I don't believe the member's question alleges any such illegal activity in the case, but if such an allegation is intended I can only repeat what I have said as to the possible legal consequences.

I might add that I know of no jurisdiction anywhere where the right of any party to a contested matter to rely upon evidence obtained by a private investigator has been outlawed.

**Mr. Germa:** A supplementary: Setting aside the activity of a private eye, as a minister of the crown would he care to make a statement as it relates to the use of public funds—Health dollars—for this kind of activity on behalf of the administrator of that hospital?

**Hon. Mr. Elgie:** As I've tried to outline in my answer, I think there are three issues: The first is it's not illegal to retain a private investigator to do this sort of activity. The courts, in all jurisdictions, have clearly said so.

Second is the issue of what that evidence is worth. There the courts have clearly said they must make two decisions: it is admissible; and how much deference should we give to it, in view of the fact—

**Mr. Warner:** They're spending public funds to spy on workers.

**Hon. Mr. Elgie:** —it's evidence purchased for a particular purpose?

As to the question of whether or not a public body should use funds to retain such investigators, that's a difficult question. Certainly, funds are given to bodies such as hospitals to run their hospital efficiently. If they have an honest and reasonable belief that someone is trying to mislead them with regard to some aspects, the issue is whether they have the right to investigate it. It's a very difficult issue, I admit that. I would have to ask the Minister of Health whether or not he thinks it is appropriate for a hospital board to use that, but certainly the hospital boards are relatively independent bodies and do have decisions to make themselves.

**Mr. Germa:** Further supplementary: Is the minister saying the investigative branch of the Workmen's Compensation Board is not capable of doing a proper investigation into a claim and that it needs to be second-guessed by private eyes?

**Hon. Mr. Elgie:** No, I am not saying that at all. I'm saying that the Workmen's Compensation Board, at the appeal stage and at the adjudication stage, receives information from a variety of sources: one, from its own investigation; second, from remarks or evidence or information submitted by the employee or the worker; and other information submitted, if the claim is contested, by the employer. There is a variety of sources of information. That was what my comments related to.

#### MILK PRICES

**Hon. Mr. Drea:** Mr. Speaker, last Friday the member for Welland-Thorold (Mr. Swart) asked some questions concerning the pricing of fluid milk during the conversion to metric cartons by the Borden Company Limited in Ottawa.

**Mr. Conway:** Elsie, the Borden cow. Frank, go easy.



**Hon. Mr. Drea:** There were three questions involved in this. I can get rid of two of them right away.

One of the questions involved the fact that the two-litre container did not have an equivalent imperial measurement on it. Had the company done that it would have been contrary to the law.

The only time in metric conversion that a container or package is allowed to use both the imperial and the metric numbers is while the imperial sized package remains. That is called soft conversion. Once the metric container, for either liquids or solids, is on the market, only the metric measurement may remain on it. That is called hard conversion. That is the law of Canada.

I notice, by the way, the honourable member has his cartons on his desk. He forgot to give them to me last week.

**Mr. Makarchuk:** There's cheese in there now.

**Mr. Conway:** There's a terrible smell.

**Hon. Mr. Drea:** The member was also apparently set up by the person who purported to give him the Borden wholesale prices. They are incorrect.

**Mr. Warner:** A clerical error.

**Hon. Mr. Drea:** I have from the Borden company their wholesale milk prices in October, in January and in April. Somebody set up the dear honourable member because the prices he gave were not correct. The member said the conversion of the two-quart carton to a two-litre carton resulted in a four-cent drop in price. That is wrong. It resulted in a five-cent drop in price; he had the wrong figures.

**Mr. McClellan:** I think that clerk is a Tory.

**Hon. Mr. Drea:** The basis for that drop was that in January the price to dairies of two quarts of two per cent milk in its raw form was 58.9 cents. When converted to litres, the price of the raw milk dropped to 51.8 cents, a reduction of seven cents. The price scale-down was based only upon the raw material in the container, not the cost of container or other matters. Borden dropped the price by five cents at that time. Because of a new labour agreement with the Teamsters union signed on exactly the same day, there was a 1.1 cent additional increase put on each litre, or about two cents on the two-litre container.

It is a matter of record that when the general milk price increase came in at the end of April this year the Borden company would have been entitled to an almost eight

cents increase on that two-litre container, had it followed the practice of the rest of the industry. It did not. It raised it only six cents.

To date the Borden company has passed on, to within a fraction of a penny, the exact reduction of the raw material, which is the milk, coming about from the conversion from imperial to metric measurements.

I would like to draw to the attention of the honourable member that the Metric Commission of Canada was consulted by the Borden company prior to the introduction of this new package. Secondly, the federal Department of Consumer and Corporate Affairs, whose representatives sit on the metric commission, also knew about this.

In view of the fact that the words "price-gouge," "hoodwinked" and "gouge" appear in the record, I would certainly hope the honourable member, now that he has the facts, would put this matter into perspective.

**Mr. Swart:** By way of supplementary, I will put it into perspective and say it is the minister who has been set up. Is he not aware the Milk Act specifically permits the province to determine the labelling, including, if they wish, to put on the content in both litres and quarts? May I quote the section of the act? Section 49: "The Ontario Milk Commission may make regulations respecting the advertising in respect of the labelling of containers for fluid milk product, or any class of fluid milk product." They may put the imperial measurement on.

I would also ask the minister, in his role as the apologist for Borden Company Limited and particularly justifying the 10 per cent increase—and it was a 10 per cent hike in milk prices because of the increase, which he says were because of their increased costs—can he explain why all three dairies in the Thunder Bay area have been able to change over with less than one half the price increase of Borden's in Ottawa?

Can the minister explain why the wholesale price of a two-litre carton in Thunder Bay charged by all of these local dairies is \$1.21 compared to \$1.31 for Borden's, even though they pay four per cent more for the milk in northern Ontario?

Finally, how can he justify the increase on the basis of additional packaging costs, because this two-litre container is slightly smaller than the old two-quart container, as he will agree?

**Mr. Speaker:** Order. That is a four-part question. I think that is enough for the moment. Does the honourable minister have a response?



**Mr. Swart:** Can I please finish?

**Mr. Mackenzie:** What's the matter? Are you afraid of the question?

**Hon. Mr. Drea:** First of all, the approximate one cent increase per litre or two cents per two-litre package was not based on increased packaging cost, it was based on having to meet the increased cost negotiated by the Teamsters union in the contract at that time.

**Mr. Swart:** Why didn't the rest of the milk go up by the same amount? It was only the litre that went up.

**Mr. Speaker:** Order.

**Hon. Mr. Drea:** It is extremely difficult to keep track of the incoherent questions of the honourable member. I will try to answer them if he will only put them in order.

There are different milk prices in effect in northern Ontario, in Ottawa, in Toronto and a great number of areas in the province.

Will he send me over what he purports to be the wholesale prices? I caution him again before he gets extravagant, he may be facing a lawsuit on this. I am trying to be easy.

**Mr. MacDonald:** You may be facing a lawsuit on some things Frank. Wait until the transmission companies are finished with you.

**Mr. Swart:** Is that a threat through the company you are giving to me?

**Mr. McClellan:** Why don't you let their lawyers make their threats for them?

**Hon. Mr. Drea:** Not from me. No, it is not.

**Mr. Speaker:** Just answer the question. Never mind the interjections.

**Hon. Mr. Drea:** Mr. Speaker, this is a very simple and fundamental case. In the metric conversion the company reduced the amount of milk in the container. On the conversion it passed on, in the first instance, all but one cent of the saving on the litre. When the general price increase came through at the end of April it passed on the rest, because it didn't take what it could have taken.

No matter how much the member tries to fudge this or camouflage this, or run it around the end or try to talk about Thunder Bay—he was dead wrong last week. If he wants me to look at Thunder Bay, I would be absolutely delighted to do so, but I suggest to him, before he uses the words price gouging, hoodwinking and some other things where he goes out deliberately, because of his certain type of mentality, to try and ruin a company's good name, he should be sure of his facts.

## ONTARIO HOME RENEWAL PROGRAM

**Mr. Bradley:** I have a question for the Premier in the absence of the Minister of Housing (Mr. Bennett).

At the present time an individual may have what is called an adjusted family income of no more than \$12,500 to qualify for the Ontario Home Renewal Program. Since this qualification has not changed since the beginning of the program in 1974, would the Premier not agree that thousands of people who were eligible for the OHRP at its inception are now excluded since the eligible income level has not been raised for five years? If he does agree with that, would he assure the House he will take the necessary steps to immediately update this qualification?

**Hon. Mr. Davis:** The member's former leader says "Certainly." Why didn't the member ask him? It's always easy to be more generous in opposition than in government.

**Mr. Nixon:** You are not generous at all.

**Hon. Mr. Davis:** Oh, we are. We are so generous it is embarrassing on occasion. Listen, the member's leader has become so generous, I just noticed in the paper this morning, he's prepared to give a 30 or 40 per cent—  
[11:15]

**Mr. Speaker:** Would you like to move over and have a nice little chat?

**Hon. Mr. Davis:** I guess we could, Mr. Speaker, it's that time of day.

**Mr. Speaker:** Then we can get on with the business of question period.

**Hon. Mr. Davis:** Mr. Speaker, we haven't really done that totally in the past hour, why should I be any exception? I will try to answer the question; I understand.

**Mr. Cunningham:** Answer the question.

**Hon. Mr. Davis:** The qualification level has not altered. I think it really isn't as simplistic as that. The qualification level could change but, depending on the total amount of funding, that might not be as relevant as how much money is available. So, if the level of qualification were moved up and the funding were to remain the same it isn't necessarily the people who need it the most who will get it. With the level of funding that presently exists, probably the qualification level is logical at this moment, but I'm quite prepared to discuss it with the minister as long as the member understands that there are limitations on total amount of money available in this program.

**Mr. Bradley:** Supplementary: Of course we understand that, but I guess I should ask, does he understand? The point we make is



that the same number of people today would be eligible if that level were raised. Would the Premier give us some assurance that when he is discussing this with the Minister of Housing, at least the inflation rate in the last five years will be taken into account?

**Hon. Mr. Davis:** We always take into account many things, not just the inflation rate. I certainly will raise that with the minister, but I caution the honourable member not to raise his expectations in terms of the amount of funding that will be available for this particular program. We think it's excellent, but there are limitations on total dollars available.

### BOISE CASCADE DISPUTE

**Mr. Foulds:** Mr. Speaker, in the absence of the Attorney General, who I'm told is lurking in the precincts somewhere, I would like to address a question to the Provincial Secretary for Justice.

Is the minister aware that in the court cases currently being held in Kenora over the last few days, of the 34 charges heard up until 10 o'clock last night that had been laid by both the town and the provincial police for alleged incidents on the picket lines during the strike of Boise Cascade by the lumber and sawmill workers, 10 of those charges had been withdrawn, 16 charges dismissed, two charges resulted in conditional discharge and only six resulted in convictions the penalties for five of which were fines of less than \$100? Does he not feel it is plainly evident that when four fifths of the charges laid have been found to be unjustified there was a clear harassment of the picketers by the OPP and the town police and they used frivolous charges to remove men from the picket lines for up to seven months? Does he not find that use of police as strike breakers an unfair thing to do and something that should not be condemned by this government?

**Hon. Mr. Welch:** I think I would be wise to refer that matter to the Attorney General for a more detailed answer.

**Mr. Foulds:** Supplementary: Can the minister, while he is consulting with the chief law officer of the crown, indicate why one of the strikers, one Robert Dale Lougheed, who was charged and during the course of the charge was kept from the precincts of Boise Cascade property but, when he decided to cross the picket line, even though the charge had not been withdrawn, it was suddenly all right for him to go near Boise property and work on it? Can he clarify that point in law?

**Hon. Mr. Welch:** I will include that in my discussion with the Attorney General, yes.

### ILLEGAL DUMPING OF LIQUID WASTE

**Mr. S. Smith:** Mr. Speaker, I'll ask your guidance on this. I believe there is a matter of privilege here. Three months ago, in this House I asked of the Minister of the Environment certain information, including copies of any inspection certificates of sites that had accepted hazardous waste and site inspection certificates for the Upper Ottawa Street dump. You will appreciate, sir, that the only way one can check on illegal dumping is by an actual inspection report by an inspector who actually looks at the place.

That question was repeated several times. Today, three months later, I have received from the minister some answers to various questions and, at the bottom, by way of answering the question on site inspection certificates, the minister says: "Response to this question will be forthcoming in due course."

Site inspection certificates exist, or they don't exist. They can be produced, I would imagine, for someone to look at, to see if there is illegality going on. For three months to go by with repeated demands and letters and questions and then to be told the day we are rising for the summer they will be forthcoming in due course, seems to me an abuse of the spirit of the idea of question and answer in this assembly, if not the actual regulation in law.

Of course, the question comes to mind as to what the ministry is hiding, but apart from that, the question is why does the minister not show more respect for us as elected representatives? I must answer to my constituents, who tell me arsenic and various things have gone into these dumps and I can't answer their questions if I can't look at those reports. I can't do my job properly if I am not given access to these matters.

I would ask you, Mr. Speaker, to take into consideration the sort of answer we have been given, after three months of waiting for these certificates.

**Mr. Speaker:** It is really not a point of privilege. The minister can answer in any way he sees fit and deems proper and one can only assume he is still seeking the information or, conversely, he chooses not to answer. You have to draw your own conclusions from that. It is not within the purview of the Speaker to demand action from a minister of the crown.

**Hon. Mr. Parrott:** Not speaking to the point of privilege, but I did send the information I now wish to table to the Leader of the Opposition earlier this morning. I



want to put on the table, sir, the details of this material we have now in reply to the questions previously asked.

**Mr. S. Smith:** He is not speaking to the point of privilege, Mr. Speaker. In fact, what he is tabling is the information he sent me, which includes the offensive answer which I read to you, saying the information is coming in due course.

**Mr. Speaker:** What I said earlier still applies.

**Mr. S. Smith:** I understand, Mr. Speaker.

## REPORTS

### FOREIGN PURCHASES OF AGRICULTURAL LAND

**Hon. W. Newman** presented the report on foreign ownership of agricultural land in Kent and Huron counties.

**Hon. W. Newman:** There has been a great deal of discussion in the Legislature on the alleged sale of Ontario agricultural land to foreign buyers. My ministry has prepared a report, as I promised, on Kent and Huron counties. We also assembled the figures for all other counties in Ontario, showing the amount of land held by owners nonresident in Canada. Today I would like to submit this report to the Legislature.

From the data, it appears very little Ontario agricultural land is owned by non-resident people.

**Mr. Riddell:** Over three per cent.

**Hon. W. Newman:** However, if the members have any additional information, now or in the future, I should appreciate their passing it along to me, and I will have it looked into.

The information in this report came from government records.

**Mr. Gaunt:** We will continue to do your work for you.

**Hon. W. Newman:** My ministry will continue to monitor this most important matter and will update the information regularly.

**An hon. member:** We will give you some of ours.

**Hon. W. Newman:** Why don't you give it to me then? I have asked you for it. Give it to me.

**Mr. Nixon:** We will give it to you, Bill.

### STANDING ADMINISTRATION OF JUSTICE COMMITTEE

**Mr. Renwick** from the standing administration of justice committee presented the following report and moved its adoption:

Your committee begs to report the following bills without amendment:

Bill Pr13, An Act respecting Massey Hall;

Bill Pr14, An Act to Revive the January School as Monterest School;

Bill Pr16, An Act respecting the Trustees of the Windsor Grove Cemetery.

Your committee recommends that the fees less the actual cost of printing be remitted on the following bills:

Bill Pr13, An Act respecting Massey Hall;

Bill Pr14, An Act to revive the January School as Monterest School.

Report adopted.

## SUMMER RECESS

**Hon. Mr. Welch** moved that when the House adjourns today it stand adjourned until Wednesday, October 10, on which day the committees will sit as scheduled. The House will sit in the chamber on Thursday, October 11, provided that if it appears to Mr. Speaker after advice from the government that the public interest requires the House to meet at an earlier time during the adjournment, Mr. Speaker may give notice and thereupon the House shall meet at the time stated in such notice. Should Mr. Speaker be unable to act owing to illness or other cause, the Deputy Speaker or the Deputy Chairman of Committees of the Whole House shall act in his stead for the purposes of this order.

Motion agreed to.

### STANDING RESOURCES DEVELOPMENT COMMITTEE

**Hon. Mr. Welch** moved that on the request of the standing resources development committee the committee while sitting during the summer recess to consider the Hydro matter referred to it may, if necessary, ask Mr. Speaker through the office of the clerk to issue his warrant or warrants for the attendance of a witness or witnesses.

**Mr. Nixon:** Mr. Speaker, the motion I think is a relatively important one since that committee has directed to it by the Legislature a review of the contracts between Hydro and the Babcock and Wilcox corporation having to do with the boilers that have been so much a subject of interest and importance in this House. It has been brought to my attention that while a Speaker's warrant for the compulsion of witnesses may be necessary, and therefore this motion would make it available, it is also quite possible



that a Speaker's warrant may very well be necessary for certain "papers and things"—a phrase you know very well, sir—that is put out in the establishment of the committee by motion. With your permission, sir, I would move an amendment to the motion.

**Mr. Speaker:** Mr. Nixon moves an amendment to the motion placed by the government House leader, to amend it by adding "and for the production of papers and things deemed necessary by the committee."

**Hon. Mr. Welch:** I don't have any objection to that. I thought, during the discussion prior to introducing the motion, we had cleared up that matter. I thought the motion establishing the standing committees gives them that authority now and that this is simply for purposes of clarification. I think it adds nothing to the authority which the committee already has as far as papers and other materials are concerned, but certainly if this helps to clarify it we have no objection.

Amendment agreed to.

Motion, as amended, agreed to.

#### COMMITTEE SUBSTITUTION

Hon. Mr. Welch moved that substitution be permitted on the standing procedural affairs committee during the summer recess.

**Mr. Speaker:** Shall the motion carry?

**Mr. Breaugh:** No.

**Mr. Speaker:** All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

**Mr. Breaugh:** Mr. Speaker, might I point out that a change in the rules of this House requires unanimous consent.

[11:30]

**Hon. Mr. Welch:** Mr. Speaker, this obviously is some indication of lack of communication. If the Speaker will allow it, perhaps later on today we can cover the specific substitutions we want to provide for now, which will be on majority rule rather than having a blanket substitution. I do apologize to the chairman of the committee. I thought this matter had been cleared.

**Mr. Breaugh:** No.

**Hon. Mr. Welch:** I ask for a ruling. It would seem the rules do require there be no substitution on the standing procedural affairs committee during the life of a parliament, except as agreed to by the House. I take it we can accomplish what we want to do, as long as we are specific. In other words, the

House will by majority vote actually substitute members on the committee. We can do that without unanimous consent.

I suggest to my colleagues that we now be giving some thought to the preparation of a motion that would specifically make the substitutions before we adjourn some time today, rather than the blanket substitution previously requested.

**Mr. Speaker:** Without unanimous consent the motion is out of order.

#### COMMITTEE SUBSTITUTIONS

Hon. Mr. Welch moved that the following substitutions be made: On the standing resources development committee, Mr. J. A. Taylor for Mr. Yakabuski; on the standing administration of justice committee, Mr. Jones for Mr. Cureatz, Mr. Kennedy for Mr. Rotenberg, Mr. McCaffrey for Mr. Sterling, Mr. Ramsay for Mr. J. A. Taylor, Mr. Turner for Mr. Williams; on the select committee on company law, Mr. Handleman for Mr. Cureatz; and on the select committee on the Ombudsman, Mr. Isaacs for Mr. Grande.

Motion agreed to.

#### PRIVATE MEMBERS' BALLOT

Hon. Mr. Welch moved that Mr. Rotenberg be substituted for Mr. Rollins in the order of precedence for private members' public business and that all members of the Conservative caucus listed on the new ballot be advanced by one place in their turn.

Motion agreed to.

#### COMMITTEE SUBSTITUTION

Hon. Mr. Welch moved that Mr. Mancini be substituted for Mr. Haggerty on the standing procedural affairs committee.

Motion agreed to.

#### COMMITTEE MEETINGS

Hon. Mr. Welch moved that the following standing committees be authorized to meet during the summer recess in accordance with the schedule of meetings agreed to by the three party whips to consider matters referred to them by the House: resources development committee, administration of justice committee, public accounts committee and procedural affairs committee.

Motion agreed to.

#### REDIRECTION OF BILL 100

Hon. Mr. Welch moved that the order for third reading of Bill 100, An Act respecting



Local Government in the District of Parry Sound, be discharged and the bill referred back to committee of the whole House.

**Mr. Nixon:** I will defer to my colleague.

**Mr. Epp:** Mr. Speaker, we were given notice a few minutes ago that this was going to be done. I thought this House had dealt fairly adequately and completely with the various amendments that were before us the other day. I see no reason at this time why the bill should be referred back to the committee of the whole House.

The government had prided itself on having done six years of studies on this whole problem. It had every opportunity to bring in amendments. Now, in the dying hours of this session, it wants to introduce another amendment. As far as I am concerned, the government is not playing according to the way this House usually responds to the public will. I don't think there is anything to be gained by having this matter go back to committee of the whole.

This morning I received a telegram which conveniently was not raised in this House the other day by the government; I wish they had raised it. I will read it: "Please be reminded that our association has sent over 1,000 signatures of persons opposed to the proposed single archipelago municipality to Mr. Darcy McKeough together with a registered letter on June 29, 1978. We also informed Mr. Tom Wells of this in a registered letter of October 11, 1978. We can furnish copies as well as several hundred additional names. Please relate this in the debate on third reading of Bill 100." It was signed, "30,000 Islands Protection Association," which is in the Parry Sound area.

I think this is important to this House. As far as I am concerned this matter should receive third reading and royal assent.

**Mr. Isaacs:** Mr. Speaker, it has been indicated to us that third reading of this bill would not be proceeded with even though the wishes of the House have been expressed in committee of the whole and the committee had reported the bill for third reading.

We have come to an understanding that with the amendment that may be moved if the bill is returned to committee of the whole, the bill will be given third reading and that third reading will be given today.

We feel it is very important that a structure of local government be put in place in the unorganized territory located in the district of Parry Sound and that the other changes contained in this bill be proceeded with as expeditiously as possible. If this procedure

assists in that, then we are prepared to support the motion.

**Mr. Nixon:** I have a feeling this matter may occupy us for a time—if not this motion then perhaps what might follow.

I was surprised when the committee work was completed by votes in this House. The honourable member who was about to rise and speak, the minister who is responsible for intergovernmental affairs, had not had the responsibility for carriage of the legislation. His legislative assistant was looking after it. By the government's perception of our rules the minister himself for some reason felt he had to be absent during that time.

I was also interested that the Premier, who is particularly interested in local government in that area, also was absent except for the vote itself. In the kind of informal exchange he sometimes participates in, he indicated his great displeasure with the way the debate had gone and the way it appeared to him the votes were going.

We pointed out to him that really it's his responsibility and the responsibility of the minister to be sure the members of the House on all sides know the people's views. We have canvassed the opinions of the local people. My colleague who has just spoken and the honourable member for Haldimand-Norfolk (Mr. G. I. Miller) went up into the area and spoke to the people directly concerned. We brought forward amendments to the government legislation which were carried in this House in the proper way.

Some members were not pleased with it, just as occasionally when the members opposite bring in certain legislation, certain votes are taken that don't please everybody in this House. But that's the way democracy works. After all, the matter had come to a conclusion; a decision had been made; and the matter was then referred to the House for third reading. It now stands on the order paper for that purpose.

I would hope the House could go on with third reading of the bill so that the matter can be carried on as we would expect. It is quite possible for the government, if they choose—on proper notice—to make an amendment on third reading. The bill would then not be read a third time but be sent back to committee for further work.

This seems to be a strange way to discharge the business of the House, and really we can't support it.

**Hon. Mr. Wells:** Mr. Speaker, I would like to make a few comments on this motion. First of all, I really am surprised by my friend from Brant-Oxford-Norfolk. In his long history in this House he has always, I think,



prided himself on listening to the wishes of the people. He represented the people of Brant township in the Brant-Brantford annexation problem very well, and in other matters has listened to the wishes of the local people.

We believe this is a very important piece of legislation. It was considered for over six years by various groups and studied in this House. It contains several parts, some having to do with the archipelago municipality, the new municipality being created out of unorganized areas. It also has some unrelated restructuring that will occur in the district of Parry Sound, all of them having been studied for a considerable length of time.

The House considered this the other day and in its wisdom by vote decided to create two new townships rather than one, as proposed in the bill and as proposed by all the experts who had studied this in the last year or so, and indeed as was wished by the local residents, permanent and summer, in the particular areas affected.

**Mr. Epp:** You're omitting the Martin report of 1975-76.

**Hon. Mr. Wells:** My friend says I'm omitting the Martin report. He knows very well the man who wrote that report is my special assistant. If there's one thing I get good advice on it is the Martin report, from Mr. Dave Martin, who wrote the report. That report was written with certain things in mind and certain people have come forward since then to present their views.

I'm sure my friend has received a copy of the letter I'm going to read today, which I think justifies the action we're taking. I want to commend my friends in the third party because I think what we're trying to do is preserve out of this some semblance of recognizing the desires for the people in the local areas to decide. In other words, what we're saying is we're accepting the will of the House but we're also providing a mechanism whereby what is the express wish of the people in the archipelago area can be effected without—as my friend well knows, something we've been discussing ad infinitum in this House—long-protracted annexations.

**Mr. Nixon:** Did you have a referendum or something? What is the expressed wish?

**Hon. Mr. Wells:** The express wish is from the Georgian Bay Association.

I want to read the letter. It says: "Dear Mr. Wells:

"In the light of the amendments by the opposition critics of Bill 100 presently before the Legislature, it is my view that in the light of the design and work that has gone

into this project the bill is so compromised that it is less than satisfactory.

"Our major concern in forming the new archipelago municipality was to provide efficient, responsible local government with major emphasis on planning and environment. In addition to this, we wish to ensure the participation of all the inhabitants in the formation of one municipality. As a result of the amendments, this will not be so.

"We wish to thank the government and its several ministries which have contributed so valiantly for the support of this project. It is with tragic regret that the opposition parties failed to recognize the significance of the proposed legislation and the overwhelming support of all the inhabitants in the area.

"For the following major reasons we would kindly ask that the government not proceed with the bill: (1) Six years of planning; (2) Professional advice ignored; (3) Ministry recommendations compromised; (4) Wishes of the inhabitants not recognized by the parties in the Legislature.

"I believe the government and the association do not wish to initiate legislation that has very little chance of success. Hopefully, we can continue to work towards the goals that have become recognized and supported by so many people throughout the province at another time under different circumstances.

"Yours sincerely,

"C. W. King, President, the Georgian Bay Association"

He also puts a postscript which is very important, Mr. Speaker: "As our mandate pertains to the islands and shoreline, the above remarks pertain to that part of the bill dealing with the archipelago municipality."

I considered that letter very seriously. I considered it because in the last 48 hours in that area a petition with over 1,000 names was presented to us supporting the legislation and one municipality for the archipelago.

However, I also weighed very carefully the wishes of this House because we cannot take frivolously and we cannot ignore the wishes of this House. The wishes of this House were that two municipalities be created.

I also considered the postscript in that letter very important. My colleague from the riding of Parry Sound has been working many years with the other municipalities to help them effect the annexations and amalgamations which they have been desirous of having. This also is in the bill. Therefore, it would be folly for us not to proceed with the bill.

[11:45]



Also, I believe it would be folly to ignore what seem to be and what I think are, in fact, the wishes of the people in that area; it would be folly to override and to run roughshod over their wishes and impose something which is completely new and different to municipalities. Incidentally, these are being created—at least one of them and, if my facts are right, both of them—with a fewer number of permanent residences than we've ever used as a basis for creating an organized municipality in any area in Ontario.

**Mr. Nixon:** There aren't many organized townships that small.

**Hon. Mr. Wells:** I do not believe that there are any that have fewer than 500 permanent residences. So, weighing all these things, Mr. Speaker, we feel it is the prudent course of action, and we are asking the House's consideration of this, we're not trying to arbitrarily push anything through. That's why I discussed it with my friends on the other side; we're asking the House to look at what is a real people problem.

You have people up there who wanted something. They see their wishes frustrated down here. Let's live with their wishes and let's give them an opportunity and an easy and inexpensive way to decide, once the new council is elected, if they wish to be joined together. It's as simple as that. If they don't wish to be joined together they never will. In that case there would be two municipalities. But if they do wish, it will be a simple process.

**Mr. Nixon:** What about this telegram referring to the 1,000 signatures on the other side? What do you mean, the people want it? You don't have a referendum.

**Hon. Mr. Wells:** They won't have to go through an OMB hearing. The minister may, by order, amalgamate the areas. It's as simple as that. If the members opposite want to run roughshod over the wishes of the people and use as an excuse the fact that this Legislature has spoken and the positions taken in this Legislature, they are welcome to do so, but, I think we have a reasonable compromise here that I cannot see any reasonable person not accepting.

**Mr. Nixon:** A reasonable compromise is to do the best two out of three and do it your way.

**Hon. Mr. Wells:** Listen, of the people who have phoned me about this, a lot of them are Liberals.

**Mr. Nixon:** What about the 1,000 who have sent the telegram to my honourable colleague?

**Hon. Mr. Wells:** That telegram was well over a year ago. That was before all the discussions had gone on. The latest petition from people up there has been that they would like one municipality.

**Mr. Epp:** How could that be? The minister says they have been discussing it for six years and now he says that was before all the discussions have gone on.

**Mr. Nixon:** It doesn't sound right to me, Tom.

**Hon. Mr. Wells:** The discussions have gone on. Believe me, some of the people who have phoned are very good Liberals, too.

**Mr. Ruston:** The minister should have been in here and put them in the House.

**Hon. Mr. Wells:** All I'm saying to the members on this Friday is that we have here a very reasonable compromise to help all to accept the wishes of the parties who would like to see two municipalities, but also to provide in the bill a mechanism where, if it is their own wish and, democratically, they do wish to amalgamate, we can save them the time and expense of a very costly and complicated OMB hearing.

**Mr. Mancini:** More regional government.

**Hon. Mr. Wells:** So, Mr. Speaker, I believe that this motion should be passed by this House and we have already given the critics of the two opposition parties a very simple amendment which could be proposed and could be inserted in the bill and which, I think, would serve the ends of all of us in this House.

The House divided on Hon. Mr. Welch's motion to redirect Bill 100, which was approved on the following vote:

#### AYES

Auld, Baetz, Belanger, Birch, Bounsall, Breaugh, Brunelle, Bryden, Cassidy, Charlton, Cooke, Cureatz, Davis, Davidson, M., Davison, M. N., Drea, Eaton, Foulds, Germa, Grande, Gregory, Handleman,

Havrot, Henderson, Hodgson, Isaacs, Johnson, J., Jones, Kennedy, Lane, Laughren, Leluk, MacDonald, Mackenzie, Maeck, Makarchuk, Martel, McCaffrey, McCague, McClellan, Newman, W., Parrott, Philip,

Pope, Ramsay, Rotenberg, Rowe, Snow, Stephenson, Sterling, Swart, Taylor, G., Taylor, J. A., Turner, Villeneuve, Walker, Warner, Watson, Welch, Wells, Williams, Wiseman, Yakabuski, Ziemba.

#### NAYS

Blundy, Bradley, Campbell, Conway, Cunningham, Eakins, Epp, Gaunt, Haggerty, Kerrio, Mancini, McEwen, McGuigan, Mc-



Kessock, Miller, G. I., Newman, B., Nixon, O'Neil, Peterson, Riddell, Ruston, Smith, S., Sweeney, Worton.

Ayes 64; nays 24.

#### POLLUTION COMPLAINT

**Mr. Martel:** On a point of privilege, Mr. Speaker: Might I ask if it is your intention to rule on the unpleasant business that occurred here last night, in view of the fact that today is the last day the Legislature will sit until October 10?

**Mr. Speaker:** I did undertake to review the record. The only thing that was available to me was Instant Hansard. The more I read it, the more confused I became. I fail to see where there was any specific allegation against any member of the House. The matter raised by the member for Wentworth was obviously reconciled as a result of the actions taken by the minister. It was raised again by the member for Carleton East and the minister said unequivocally that there was no reference to her personally.

I see no reference here to any member of the House having acted improperly. Had there been, the only recourse the Speaker has is "allegation against another member." I have looked very, very carefully and I fail to see any allegation against a member of this House or a group of members of this House. So really there is nothing for me to rule on.

**Hon. Mr. Henderson:** The member for Sudbury East should sit down while he is ahead.

**Mr. Martel:** Mr. Speaker, I am not certain if we are reading the same Hansard, but if you turn to page 1805-1 it says: "When mail is opened when it is clearly addressed to the solicitor for my ministry, I have to say to the NDP over there 'Where are your scruples?'"

**Mr. J. A. Taylor:** Where are they?

**Mr. Pope:** Where are they?

**Mr. Speaker:** Let's not confuse the issue now. You are dealing with a reference to page 1805-1 of Instant Hansard. The allegations contained in there were withdrawn by the minister quite clearly.

**Mr. Martel:** Where?

**Mr. Speaker:** The record will show that.

**Mr. Martel:** I read the record.

**Hon. W. Newman:** Why don't you open your eyes?

**Mr. Speaker:** I have read it too. The only other issue was as a result of the point of privilege raised by the member for Carleton East. The Minister of the Environment said: "I am not making any reference to the mem-

ber for the Ottawa-Carleton area." So there is no allegation against any member of this House that I can see in here. Instant Hansard doesn't help me at all. Had there been, it would have constituted an allegation against a member. I fail to see it in here. There is really nothing for me to rule on.

**Mr. Havrot:** Let's stop the nitpicking and get on.

#### ANSWERS TO QUESTIONS ON NOTICE PAPER

**Hon. Mr. Welch:** Mr. Speaker, before the orders of the day, I wish to table the answer to question 256 standing on the Notice Paper and the answers to questions 228 to 234, inclusive, questions 241, 246, 252, 253, 255, 258, 259, 261, 262 and 270 and the interim answer to question 247. (See appendix A, page 3266.)

[12:15]

#### ORDERS OF THE DAY

##### RESIDENTIAL PREMISES RENT REVIEW AMENDMENT ACT

**Hon. Mr. Drea** moved second reading of Bill 142, An Act to amend the Residential Premises Rent Review Act, 1975.

Motion agreed to.

Third reading also agreed to on motion.

##### VILLAGE OF POINT EDWARD ACT

**Mr. Rotenberg**, on behalf of **Hon. Mr. Wells**, moved second reading of Bill 131, An Act respecting the Village of Point Edward.

**Mr. Rotenberg:** This bill contains several provisions dealing with municipal taxation on real property of the Blue Water Bridge Authority located in the village of Point Edward in Lambton county.

Before describing its provisions, I would first like to provide some historical background. In 1940, legislation was enacted to make the portion of the bridge in Ontario exempt from taxation, including local improvement and school rates, except for a fixed annual tax payment of \$5,000 per annum to the village. The village eventually became dissatisfied with the lack of tax revenues from the bridge and legislation was enacted in 1970 to make the property liable to assessment under section 27 of the Assessment Act.

This did not prove completely satisfactory, and after negotiations the bridge authority and the village agreed on a schedule of tax payments for the years 1971 to 1977. This was formalized by legislation passed here in



1972. When the agreement expired at the end of 1977, the authority and the village were unable to agree on new terms and as a result no payment was made in 1978.

This is not a satisfactory situation, especially in the light of the fact that the authority is acquiring additional property, thereby further reducing the tax base of the municipality. The bill proposes an appropriate long-term solution while allowing a four-year phase-in period.

Section 1 of the bill provides that the provisions of the Assessment Act will apply to the real property of the authority located in the village, except for the bridge structure.

Section 2 sets out a proposed new schedule of payments to the village for the years 1978 through 1982 in lieu of municipal taxes, including school taxes, on the bridge structure. This means that until the end of 1982 the authority will pay to the village the amounts set out in section 2(1) of the bill, plus local improvement rates, as well as full municipal taxes, including school taxes, on all of its real property except the bridge structure. Section 2(3) of the bill provides that starting in 1983 the authority will pay full municipal taxes, including school taxes, on the bridge structure as well.

The bridge authority is set up by the federal government but is not an authority in the normal sense. It is a private corporation set up by the federal government and is bound by this legislation. I commend the bill to the House.

**Mr. Blundy:** The haste with which the government is dealing with this bill simply amazes me, not only this morning here in the House, but since it was first suggested that the bill be passed.

I want to speak briefly on the bill. I support the intent of the bill, because I know the only source of funds for the municipality is the taxes on assessments. In Ontario that right to tax must be protected and that is the case in the village of Point Edward. The problem I find is the bill does not take into consideration certain things I believe will happen and which will have a poor effect. I would like to mention these very shortly.

The bridge commission is not set up to accumulate profits, and over the last several years it has had a deficit on operations. It is obvious they are not going to be able to pay the kind of taxes that will have to be paid at the end of 1982. I have checked with the assessment department in Chatham and find that the total assessment on the bridge is \$578,645. I got these figures from the member for Huron-Middlesex (Mr. Riddell) the other day. This is split in the following

way: \$342,565 on the structure of the bridge and \$236,080 on the lands and buildings of the bridge in the village of Point Edward.

I wonder if anybody has given any consideration to the fact that the present toll on the bridge is 35 cents, whether one is coming from Michigan or Ontario. The Minister of Government Services (Mr. Henderson) will recall that after the debentures on the centre span were paid off there were several years in which there were no tolls on the bridge at all. This was caused because the state of Michigan's highways department was responsible for their portion of the bridge to the international boundary line and they were not able to charge tolls or they would jeopardize certain grants from the US federal government.

Several years later a bill was introduced on their side which to some extent rectified that situation. However, the Michigan highways commission pays no taxes whatsoever to the city of Port Huron on the Michigan side and they are most reluctant to raise tolls. Even when the tolls were raised to the present 35 cents it was done after much discussion with the American side of the bridge, the Michigan highway department.

I can see the following scenario happening if, as I suspect, in 1983 the Blue Water Bridge Commission would be paying in the neighbourhood of \$150,000 to \$160,000 a year taxes. In order to pay those kinds of taxes, along with the other operating costs the authority has on the approach and the bridge to the international boundary line, they would have to raise tolls to 55, 65 cents or more, so we could have the situation where one may cross the St. Clair River from the Michigan side and pay 35 cents and cross from the Ontario side and pay 50, 55, 60 or 65 cents. This certainly would not be a very good situation.

I would like very much for the parliamentary assistant to think about that and give me his views on what he thinks will happen there.

The other matter that came to my attention when I searched this bill is that most of the bridge structure that goes from the land to the international boundary line is in the township of Sarnia. The pier for the main span stands in the lands of the village of Point Edward, but those lands, I am told, end at the waterline. So for the greatest proportion of the bridge structure the boundary line would be in the township of Sarnia. This bill makes no reference to the township of Sarnia.

There are a number of these situations I would like to have explained and which



ought to be explained before we go further into this matter. I know the people of Sarnia-Lambton would want to have a proper explanation of any increase in bridge tolls that takes place. As I said initially, I believe the village of Point Edward must be protected as far as its taxes on assessment are concerned. I want to emphasize that and I do want some explanation for the matters which I have raised in conjunction with the details of this bill.

**Mr. Isaacs:** Mr. Speaker, this is a bill about which one has to be fairly pragmatic. It is setting up a system for taxation of the Blue Water Bridge in the property tax system that we have before us today. We have some difficulty with property taxes as they are being levied in this province. But we have to recognize that the village of Point Edward is dependent for a substantial amount of its income on the Blue Water Bridge. This bill assists with a dispute that has been going on over a long period of time.

In addition, the bill puts the Blue Water Bridge in the same position as at least the majority and perhaps all the other international bridges that come into this province. Because of that, we're going to support the bill. There's one concern I want to raise, however. These payments the Blue Water Bridge Authority will be making to the village of Point Edward are an indirect tax on the motoring public that makes use of that bridge, both residents of this province and residents of the United States. It's another example of where hidden taxes are becoming a more and more significant part of the revenue that is provided either directly or indirectly to the government.

The funds being paid by the motorists are going to the village of Point Edward so the government of Ontario does not have to provide that village with compensatory grants. That concerns me a great deal. We will support it because it's convenient in the present tax structure, but if we had our druthers we would do it a different way.

**Mr. Haggerty:** Mr. Speaker, I want to address myself to Bill 137, An Act respecting the Village of Point Edward. I wasn't going to enter into the debate until the member for Wentworth entered into it and indicated that this was another form of indirect taxing policy by the government or by local municipalities.

I happen to represent an area that is very much involved in this type of legislation. It relates to the international bridge at Fort Erie, Ontario, which has a bridge commission

similar to the Blue Water Bridge Authority. Much of this bill is taken from a private bill of the town of Fort Erie as it relates to the schedule of fees.

I think the member for Wentworth should be well aware of the problems that are created in a municipality where there is an international bridge. It certainly does bring in a certain amount of revenue, but it also compounds certain problems within the municipality. There are other service roads and interconnecting roads that meet an international bridge, and much of their cost is borne by the municipality.

In the particular legislation relating to Fort Erie, under the former county of Welland system we knew at that time that we could not assess the bridge. It was not covered under the Assessment Act. In the explanatory notes of this bill it definitely states that: "Under this section the real property of the Blue Water Bridge Authority, except the structure known as the Blue Water Bridge, is made subject to the provisions of the Assessment Act. At the present time the Assessment Act does not apply to the real property of the bridge authority."

[12:30]

Members of county council, along with the council of the town of Fort Erie, have known full well the business generated at the bridge from tolls. In the Fort Erie area, for example, by the time they paid all their operating expenses, there was about \$300,000 or \$400,000 a year going to the federal government. The council thought, at that time, and the county did as well, that in no way should this amount of revenue go to Ottawa. They thought there should be some reimbursement to the town that had provided most of the services. A gentleman's agreement, made by the Fort Erie Public Bridge Authority, which included Buffalo, permitted the town to assess or tax certain portions of the bridge. In 1976, it generated \$83,500 for the town of Fort Erie. That's quite a bit of revenue. I know they're now working an agreement for one year. I say this, and the member for Sarnia has mentioned it here, by looking at the pro-rated assessment value that's put on there that would generate revenue for the village of Point Edward, it was \$57,000 in 1978; \$65,000 in 1979; and will be \$80,000 in 1982.

I hope the parliamentary assistant has given consideration to the question raised by the member for Sarnia that it should be based upon the tolls generated. It could mean there may be a substantial increase in tolls on that



bridge if they go to the schedule established there.

I don't know what revenue is generated. The member mentioned they had run a deficit after paying all the operational costs, the bridge maintenance and so forth. I don't know how they're going to collect that money unless the toll is raised. I suggest to the member that perhaps he should consider that again. Perhaps the schedule he has is too high. For example, people say Fort Erie is the number one port of entry into Canada, the most used port of entry into Canada. Perhaps more revenue generated from this area could generate the \$83,500 that's paid to the town in lieu of taxes. I suggest the \$80,000 figure may have just been pulled out of mid air. It may be too high. I don't know, but if it is too high there is no need to increase the tolls on the bridge. If they have to generate that much money, the members can rest assured the tolls will probably go up to about 50 cents. I don't know. At Fort Erie it costs 35 cents to cross the bridge one way. I don't know what it is at the Blue Water Bridge.

**Mr. Blundy:** Thirty-five cents.

**Mr. Haggerty:** It's 35 cents, so they're the same.

The toll depends upon the flow of traffic coming across this particular bridge. Can they generate sufficient funds there? I hope the parliamentary assistant will take a look at that.

I support the bill in principle. The Fort Erie bill is usually passed in the Ontario Legislature as a private bill, a municipal bill, but it's done by agreement between the two parties; that is, the local municipality and the bridge authority. In this particular instance there seems to be no agreement between the two parties. If this bill is passed here today and becomes law they are dictating back to the local authorities this must be law. It's an international bridge. It's a federal matter in a sense.

Unless an amendment to the Assessment Act is brought in I suggest this to the minister, or to the parliamentary assistant, from my dealings and discussions with the town of Fort Erie while on county council a few years ago. If there is no gentlemen's agreement between the authority and the local council they may never be able to collect that tax. I think the bridge authority has a right to appeal it. How can they tax them under the Assessment Act, when it's not there? I suggest there should be a gentlemen's agreement between the two parties rather than bringing in legislation to say this

is what it's going to be. There may be a court case involved in this.

I will tell the members, from my experience in dealing with it in the Fort Erie area this was always one of the problems council and the bridge authority had to consider; if there was no agreement between the two parties it would probably have to be settled in court—if it was pushed too far.

I bring that to the members' attention, but I support the principle of the bill. I think it is time all the bridges were assessed so the proper revenue can be generated to assist the municipalities.

I can say this much about the Fort Erie bridge, it is a healthy bridge. About \$300,000 goes to the federal government of Canada and about the same amount goes to the Buffalo Port Authority. That money is used to support certain other things within that community in the city of Buffalo. In the past I think they have used it to help get their international airport under way. I suggest there is revenue there, but it has to be done in the right manner.

**Mr. Swart:** Mr. Speaker, I will be brief because we all want to get away and until the member for Erie spoke I hadn't intended to speak. The figures he gave for the Fort Erie area and the bridge there are correct, but I want to point out to him and to this House the position of this party. As explained by the member for Wentworth, we go along with this bill because this situation exists with other international bridges in this province, but we believe in principle that they should not be taxed. They should not be taxed for property tax purposes.

There is just something unacceptable about taxing bridges. We have bridges going across the Welland Canal. We have the Burlington bridge. If one says in principle bridges should be taxed, you are saying in effect that bridges in those communities should be taxed as well, because the same sort of situation exists. All we are saying here is that because it is done elsewhere, because it is at the present time a source of revenue for those municipalities and because the others which have a similar situation get it, we are supporting it very definitely at the present time. In the long run, there is something unacceptable to us about levying property taxes on bridges.

**Hon. Mr. Henderson:** Mr. Speaker, in rising to speak to this bill this morning, first, I would like to inform the House that the member for Sarnia is, I believe, as aware of this bridge as anybody in Ontario, barring all. The member for Sarnia happened to be



around on October 13, 1938, and walked across this bridge on the night it opened. The member for Lambton did the same thing. That's how long we have been associated with this bridge.

**Mr. Haggerty:** You were in your prime then.

**Hon. Mr. Henderson:** We thought we were.

**Mr. Blundy:** We could walk across the bridge in those days.

**Hon. Mr. Henderson:** I mention 1938 to bring on another subject, namely, that in 1940 a bill went through this Legislature that excluded this bridge from taxation. The reason I want to refer to that bill is that on February 24, 1940, this bill was assented to. On February 24, 1940, this House prorogued for the year. There have been some changes in 39 years.

**Mr. Haggerty:** You've been around for quite a while.

**Mr. B. Newman:** Those were the good old days.

**Hon. Mr. Henderson:** Yes. Then we advance to the next step. That bill permitted a grant in lieu of taxes of \$5,000 per year to the village of Point Edward to apply towards the rates, county school boards, what have you. Shortly after that bill went through, the member for Sarnia and the member for Lambton went to work for \$1.10 a day. We did get an advance to \$1.30 a day, working for the government down through the years.

If we apply that \$1.10 or \$1.30 a day to the \$5,000 grant, and then if we apply the salaries the member for Sarnia and I are getting today against the proposed grant, I would think that grant, instead of being some \$57,000, going up to \$80,000, might even be \$300,000 to \$400,000.

The member for Wentworth suggested that this was hidden tax to the province of Ontario. I would have to differ with the honourable member. I would have to tell him there is nothing hidden with respect to this tax.

The former member for Sarnia brought a private bill before the House back in the late 1960s similar to the bill which was passed in 1972, which did permit the schedule referred to earlier. It was supported by all sides of the House. This act does not give funds to the province of Ontario. This act gives funds to the school boards in Sarnia and Lambton, to the county of Lambton and to the village of Point Edward. It is shared on that basis. Again I differ with his thoughts that the province of Ontario is going to benefit.

The member for Sarnia brought out a point respecting this bridge passing over land under

the jurisdiction of Sarnia township. When the bylaw passed by the county of Lambton set out Point Edward as a separate municipality with village status, it would appear those people drafting that bylaw did not include the water lots off the village of Point Edward and they still remain in Sarnia township.

When the government considered this legislation it was well aware of that problem existing down there. The chairman of the legislation committee of cabinet took the position that Sarnia township does not render any services to this area and the taxes should go to the village of Point Edward. So this bill does not permit Sarnia township any of these taxes and makes it quite clear the taxes are for the village of Point Edward.

The member for Welland brought up points which I believe I answered, and I believe I answered the member for Erie. We recognize they have an important point of entry but the member for Sarnia and I would argue that Sarnia is equally important. I believe I have answered all of the questions. If there are more, I would be very happy to answer them on behalf of the government.

**Mr. Rotenberg:** I believe the minister of Government Services answered the questions and summed up. I hope now we can take a vote on second reading.

Motion agreed to.

Third reading also agreed to on motion.

#### CITY OF OTTAWA ACT

**Mr. B. Newman,** on behalf of **Mr. Roy,** moved second reading of Bill Pr9, An act respecting the City of Ottawa.

Motion agreed to.

Third reading also agreed to on motion.

#### MASSEY HALL ACT

**Mr. Rotenberg,** on behalf of **Mrs. Scrivener,** moved second reading of Bill Pr13, An Act respecting Massey Hall.

Motion agreed to.

Third reading also agreed to on motion.

#### MONTCREST SCHOOL ACT

**Mr. Rotenberg,** on behalf of **Mrs. Scrivener,** moved second reading of Bill Pr14, An Act to revive the January School as Montcrest School.

Motion agreed to.

Third reading also agreed to on motion.



### TRUSTEES OF WINDSOR GROVE CEMETERY ACT

Mr. B. Newman moved second reading of Bill Pr16, An Act respecting the Trustees of the Windsor Grove Cemetery.

Motion agreed to.

Third reading also agreed to on motion.

**Hon. Mr. Welch:** Mr. Speaker, I plan now to go into committee of the whole House, but before we do perhaps this would be the time to deal with Bill 100 and then we have a few other government bills to clear up. Rather than bringing the House back out of committee into House, I'm just wondering now about the time. We would normally adjourn at 1 o'clock. I'm wondering if we could have the agreement of the House now that we perhaps might finish our other work if we added an hour and go until 2 o'clock to see whether we can accommodate the remaining legislation.

**Mr. Nixon:** We have no objection. I just wonder if the House leader would indicate what on the list he wants to deal with?

**Hon. Mr. Welch:** That would mean that between now and 2 o'clock we might get Bill 100, then Bills 101, 95, 103, 104, 116, and 117.

**Mr. Nixon:** How about Bill 114?

**Hon. Mr. Welch:** I know we were hoping to get to Bill 114, so I'd add that to the list. If the House could agree to go until 2 o'clock—

**Mr. Deputy Speaker:** Possibly then I should ask if the House would give unanimous agreement to sit past 1 o'clock.

Motion agreed to.

House in committee of the whole.

### DISTRICT OF PARRY SOUND LOCAL GOVERNMENT ACT

Consideration of Bill 100, An Act respecting Local Government in the District of Parry Sound.

Sections 1 to 11, inclusive, agreed to.

**Mr. Deputy Chairman:** Hon. Mr. Wells moves that Bill 100 be amended by adding thereto the following section:

"12(1) Upon application to the minister by the townships constructed under sections 3 and 4 that the townships be incorporated as one township municipality, the minister may by order effect the incorporation on the date specified in the order and in such order may provide for the name of the new township, the composition of the council of the new township and the election of the members of the council of the new township.

"(2) The provisions of this part apply with necessary modifications to a new township established under subsection 1."

He further moves that sections 12 to 25 as printed in the bill be renumbered accordingly.

**Hon. Mr. Wells:** I think I had really indicated most of my comments on this when we had the motion to revert to committee of the whole House to consider this amendment. What, in effect, this does is add to that first part of the bill which deals with the archipelago municipalities, the bill which now creates Georgian Bay North Archipelago township and Georgian Bay South Archipelago township. It provides a section whereby if those townships, after they are constituted—and it in no way says they will not be constituted; it says that they must be constituted and they must be legally operating townships—both ask by bylaw, because that is how townships carry on business, that they be amalgamated together to form one township, the minister would have the power by order to cause that to happen. In so doing, he could set out the necessary arrangements for that, such as providing for the name, or the minister could in this case ask that a vote be taken on the name, provide the date upon which the amalgamation would take place, and also provide for such other necessary modifications to the bill to allow that to take place.

As I explained earlier, what this does is provide in the bill a mechanism for the achievement of the one township, which was the original idea many of the people in the area wanted. It provides for that achievement without a lengthy and expensive annexation or amalgamation battle before the Ontario Municipal Board, or some other such procedure. I think it is a very reasonable sort of thing to suggest it be added to this bill.

I appreciate and understand the feelings of the official opposition in this matter. They feel, having amended the bill, that it should stay exactly as it is. I think that having regard for the length of time this matter has been studied, that the real feelings on the part of many of the local residents is that they would like to have one municipality, and realizing that this House has decided that there should be two—something which, incidentally, was in the original Martin report. However, upon consideration and discussion and dialogue and a whole variety of processes that went on after its publication, the feeling was that one municipality would be better than two.

**Mr. Nixon:** It is the first time you have defended it.



**Hon. Mr. Wells:** Defended what?

**Mr. Nixon:** The concept of one. You haven't even been here for the debate.

**Hon. Mr. Wells:** I have a parliamentary assistant who is quite capable of handling some of these things.

**Mr. Nixon:** Then why isn't he doing this?

**Mr. Conway:** This is a job for a diplomat; we know.

**Mr. Ruston:** You have the expertise. He just hasn't got it.

**Hon. Mr. Wells:** I am just adding a little extra today, since it is Friday morning and I want—

**An hon. member:** It's a good example of how somebody got into trouble.

**Hon. Mr. Wells:** No. As a matter of fact, he did a fantastic job in handling the bill and, in fact—

**Mr. Ruston:** That is why he is not doing it now.

**Hon. Mr. Wells:** No. But we are now just trying to—

**Mr. Conway:** Crombie never said that.

**Hon. Mr. Wells:** —find a way of providing that the wishes of the people can be expressed and the wishes of the Legislature can be expressed, the two melded together and everyone can be happy. I think we have it here, and I want to thank my friends from the third party, who I think see that this provides the opportunity for—

**Mr. Nixon:** It's known as flip-flop.

**Hon. Mr. Wells:** No, it isn't known as flip-flop. It provides the opportunity to have the two municipalities, but also it gives us an opportunity to provide an inexpensive and quick way to have an amalgamation, if such is necessary. It is very simple, as simple as that. I think that personally I would favour the one municipality, but it may be that once the municipalities are constructed, the two of them as are here, and they get going, that is what will remain. They may remain so for a good length of time and this section may never become operative, but it is there if it needs to be used, and I think it is a very wise and prudent thing to add that section to the bill.

**Mr. Epp:** I just want to say if this is so wise and prudent, I am surprised it wasn't added into the bill a few days ago when the government has had six years to study it. As I indicated earlier, they were priding themselves on how much studying they had done. Now, two or three days later, they admit publicly their study was not adequate at all and they now have to amend it. It is

also a prime example of how the government, if it doesn't get its way the first time, is prepared to come back to the House as many times as necessary until it gets its way. It gets in bed together with the NDP and gets the kind of things it wants.

**Mr. Bradley:** Socialist allies.

**Mr. Epp:** We still have about eight or so bills to consider here and I suppose on any of those, if the government doesn't get its way, we may be here a little later today until it does get its way.

I want to draw the minister's attention to one important facet of that particular amendment which I am going to oppose but which I think is very important. As far as the minister is concerned, I think it leaves a loophole to have the reeve not elected by the people in the future. All it says is: "The composition of the council of the new township and the election of the members of council of the new township . . ." Taking into consideration the earlier bill we had, we know the government and some of the people in the area did not want the reeve elected by the people at large. They wanted the reeve to have the endorsement of only a few people on council.

**Mr. Rotenberg:** That was for the first council only.

**Mr. Epp:** The people would be denied the opportunity of having a say as to who that reeve was going to be. I see, on looking at this amendment it says, "The composition of the council of the new township and the election of the members of the council of the new township . . ." That would be by order of the minister, so it does not say the reeve would be elected at large. I wonder whether the minister could give assurance that in the future the reeve, as well as the whole council, will be elected by the council.

**Hon. Mr. Wells:** I would agree to that and guarantee that. I feel that is the way it should be. I believe the reeve should be elected. I believe the phrase is, "and the election of the members of the council." I have always assumed the reeve was a member of a council. I would have assumed there would be no other way we would be doing it but by electing the reeve.

**Mr. Epp:** Mr. Chairman, I would not have raised it if it had not been in the earlier bill. I just wanted to make sure that was clear as far as this House was concerned and the people in the archipelago were concerned. I have no further comments.

**Mr. Isaacs:** Mr. Chairman, there appears to be a suggestion around that this amend-



ment is some kind of compromise. I want to say if this amendment had been before us at the same time as all the other amendments, we would have supported it then as we are prepared to support it now. In fact, the principle of this amendment, that two townships can amalgamate if both the councils vote to do so, is a principle that might well be extended to other parts of the province and perhaps to all parts. Indeed, we might eliminate the need for extensive Ontario Municipal Board hearings when the elected representatives of the people within the municipality agree upon a merger. I have absolutely no problems with the principle of the amendment before us.

I think the situation that has arisen with regard to this bill is an indication of the problems that can arise when attempting to deal with a bill of this magnitude, setting up a new structure of local government, in committee of the whole House rather than in committee outside. We talked about that before on second reading and I must say I think it is unfortunate we have come to this. I hope that in future we will be in a situation where we can properly debate the merits of bills establishing new municipalities or restructuring municipalities so these kinds of problems can be avoided and so we are not forced to deal with things under time pressure and without as much information as we would like.

I also want to say, Mr. Chairman, that in continuing discussions with people who own property in the district of Parry Sound, and especially in the archipelago, although not necessarily in the archipelago township, I have continued to find incredible confusion as to exactly what it is Bill 100 does. I want to reiterate my earlier concerns that the process of public consultation doesn't seem to have worked properly for two reasons.

One is that the explanatory notes have not been adequate, so people who have received communications from the minister's staff have really not understood the import of those communications, and have not understood that the maps and other things that were sent out demonstrated that the archipelago municipality as originally proposed, before amendment, was split into two parts and did not take in the whole of the archipelago. There have been some real problems in communication, and I think we will all learn from those for the next time.

[1:00]

There have also been difficulties in terms of who to listen to. The people in the area are difficult to get to, there is no doubt about

that, because of the water-based nature of the archipelago. They are difficult to communicate with, because many of them are only seasonal residents and there is the continuing problem of the weight one puts on the voice of permanent residents compared to seasonal residents.

The amendment before us now satisfies a need that, to be honest, I do not fully understand, but I am pleased it satisfies that need and that we will now be able to proceed to third reading of this bill. During the elections that are to take place this fall, I hope the people of the archipelago municipality will give very serious consideration to what is before them so we do not have a situation where the two councils immediately rush into amalgamation.

I know I don't really need to give them this advice, because I know the people will take it seriously. I think special efforts are going to have to be made, not only by the candidates, but also by the returning officers and enumerators in order to make sure the whole election process that is going to be going on this fall is well understood by the electors of the two archipelago municipalities.

I have just one question and it relates to subsection 2 of the amendment. I have read that a great number of times since we were handed this amendment earlier this morning, and I am still a little unclear as to the intent of subsection 2, given that subsection 1 relates to the amalgamation of the two municipalities and only the two archipelago municipalities. It doesn't deal with the others.

I don't understand how the provisions of the part apply with necessary modifications to the amalgamation of one municipality with itself. Perhaps there is some other intent that escapes me.

With those few remarks, Mr. Chairman, we will support the amendment. We hope the people of the district of Parry Sound, particularly of the archipelago, will learn about what has happened here today and during the past week so that they can get a full understanding of the import of the amendments that have been before us and of the bill that will have been dealt with by the end of the morning, I hope.

It is my impression that in the past they have only been given one side of the story. They have been told: "This is the way to do it. Do you accept that?" I don't think that is the way these things should be set up. They should have been given access to discussion about all the options available. With those remarks, Mr. Chairman, as time is pressing and although we may not get through the other bills, we will support the amendment.



**Hon. Mr. Maeck:** Mr. Chairman, I would like to add my small contribution to this particular debate. As the member representing the riding of Parry Sound, I have been involved in many of these discussions for the last five or six years. It is, as the member for Wentworth indicated, very difficult to get to all the people to explain what is happening in an area such as the one under debate today.

I believe the amendment as presented to the Legislature this afternoon will go a long way towards solving that very problem. We are respecting the view of the Legislature, the wishes of the Legislature, by forming the two municipalities as the bill indicates, but we are also providing a means for those local property taxpayers, both local and people who are cottagers, to have another discussion on this very important matter before any amalgamation takes place between those two municipalities.

We do not wish to saddle them with a proposition where they would perhaps have to apply to the Ontario Municipal Board for amalgamation at a later date for the cost of that is a great burden. All this amendment really does is simplify a means for those people, if after they have formed their councils and had discussions with their constituents they decide they want to amalgamate, to shorten the procedure for them to do so.

I believe if that decision comes—it may never come, as the minister has indicated; we don't know at this point—but if the decision is taken by the local councils who are elected by those local people to amalgamate, then I believe that it is not only necessary but reasonable to provide the vehicle to allow them to do that without an additional great expense.

I have been told from time to time that the Georgian Bay Association has spent upwards of \$50,000 in studies on the archipelago. They are serious about this amalgamation, they are serious about the forming of the archipelago, and they really have done a lot of work towards it.

Among the local people there is a mixed feeling. Certainly the people in the township of Carling are against having one municipality known as the archipelago, and for reasons that in their minds are justified. I don't agree with their reasons. I met with the council of Carling as recently as a week ago Saturday and advised them I don't agree with their ideas on it.

I must say that many of the ideas they have have been stirred up by the former candidate in the Liberal Party by the name of Ed Fisher who has continuously gone

around the riding stirring up these kinds of things. I think it's time that it was put on the record that until he has—

**Mr. Nixon:** You used to say there should be two municipalities; you've changed your mind.

**Hon. Mr. Maeck:** I'm not saying there shouldn't still be. I have not changed my mind. I am supporting—

**Mr. Nixon:** Is there some law that says Mr. Fisher has to agree with you? What the devil are you talking about? Are you going to send the police after him for voicing another view?

**Hon. Mr. Maeck:** No, but I would suspect that it might be a good idea if he got elected first and represented a few people.

**Mr. Nixon:** He has every right as a citizen and taxpayer to express his views, the same as you.

**Hon. Mr. Maeck:** He is not a taxpayer in the township of Carling.

**Mr. Epp:** On a point of order: Is the minister saying that because he is not elected he has not got an opportunity to voice his opinion in the Parry Sound area?

**Mr. Deputy Chairman:** I didn't hear the minister say that and I don't really think it's a point of order.

**Mr. Epp:** He said he has got other people who shared his view.

**Hon. Mr. Maeck:** No, I believe in the right of everyone to speak, so I didn't say that. However, I have to say that the viewpoints that we have been listening to, particularly from the official opposition, come mostly from the township of Carling. That's fine; they're entitled to their viewpoints too, as I indicated earlier in my remarks. I have listened to their viewpoints, I don't agree with them. If you people do, that's fine, there's no argument there, but I have not up to this point in time indicated that I was in favour of not having two municipalities.

What I have said is that probably it is the best way to go. The local people will decide later on whether or not they want to amalgamate and those are the people who should make the decisions. Therefore, I think that the amendment is probably the best solution to the whole thing.

**Mr. Nixon:** We all say we don't want to prolong this, but I don't know; it seems to me an objective observer of this situation would feel that it would require some extensive debate. There are so many things to comment on.



I would begin by saying that while the amendment is, according to the minister who just spoke, the solution to our problems, I don't have a copy; I believe my colleague does and that's proper. It's very difficult, I suppose, to comment with enough intelligence to impress the minister without knowing precisely what the government is doing, other than my understanding of the amendment is that it permits the elected councils to decide whether they will be amalgamated in the future.

I don't think that's such a marvellous idea. I'll tell you I wouldn't want a bill that allowed the councils of the municipalities in my county to decide on amalgamation, because that is certainly the responsibility either of the people or this House. If you were going to have an election in which a person stands as an amalgamationist or not, maybe democracy serves. But you've been saying time and again that you're not trying to impose some sort of a new kind of governmental structure on these people, but just what they want. The minister got up and said he had a petition signed by 1,000 people, and this was what the people wanted.

Now the other minister gets up and says, "Of course, the people in Carling don't want it, but I disagree with them." So, in fact, we're here in this House, as we should be, making up our minds as to what kind of municipal government is going to have the administrative responsibility in the area that the Minister of Revenue represents.

**Hon. Mr. Maeck:** Carling isn't in the archipelago.

**Mr. Nixon:** All right. Having watched the ministrations of this government over a number of years, the people know that it tends to move toward regional government by all sorts of means. The Minister of Intergovernmental Affairs is afraid that the townships are not big enough to be viable. We know the kind of big townships the Conservative government likes. They like regionalized townships. That's the government's policy but it's not our policy.

My colleague, our critic, the member for Waterloo North and our mutual colleague, the member for Haldimand-Norfolk (Mr. G. I. Miller), went up into the area. The member for Haldimand-Norfolk has been a councillor in a regionalized area and he knows what to look out for. The member for Waterloo North has been mayor of a regionalized town and he knows what to look out for.

It's true they couldn't go out there and call on all the islands. Some of your friends

and supporters, cruising around here in their blue suits this morning, have been expressing their objections to the Liberal stand, saying they never even called on their people. I'm not objecting to that. But I do object to the Minister of Intergovernmental Affairs telling us that this is what the people want.

When we talk about the township of Carling, they say, "We don't mean that area. We mean another area." If it was so important to find out what the people want, you could have had a referendum. I am not saying that you should have. I don't really go for that approach. But we could have had a committee hearing here and asked those people down.

After all, we were told by the minister they came out in thunderstorms and hailstorms to put their name on some kind of a petition, saying that what the opposition had called for—and which, by the way, commanded the support of the majority in this House—was what they didn't want. They wanted something else.

If this amendment is such a marvellous solution why the devil wasn't it put in the bill, when the bill was put before us in the first instance? I have no objection to the member for Wilson Heights having the carriage of the bill. I'm not here to criticize him, but I do criticize the minister.

**Hon. Mr. Wells:** You do?

**Mr. Nixon:** Yes, I do. He is the Henry Kissinger of the north, the person who is supposed to be the great diplomat. I'll tell you, Mr. Chairman, maybe it's a complex bill, but the number of people affected was relatively small. The people affected in a sense were the members of this House.

We had many arguments as to whether this was a step toward regionalizing the area. We were assured by moderate people in our caucus and outside that it was not. But we've all got a bigger stake in this than the minister perhaps realizes. The final solution is sort of dumped on our heads, and the poor old House leader, as usual, has to carry these ash cans around for the incompetence of his colleagues.

You could have very well dealt with this in a procedure that would not have ended up in this kind of a debate. I believe the government has handled this in a very awkward way indeed. As for the implication that they are now giving the people of that area just what they want, there is no indication that is so.

From our point of view on this side, we have done the research available to us. We have read the communications from the peo-



ple from the area, and we have put forward amendments which have established what we consider to be a type of local government that will be in the best interests of the people concerned.

[1:15]

As for me, I suppose, I might have a slight bias in favour of the permanent residents. After all, the people who go into Georgian Bay, to that 30,000 Islands area, have access to the finest recreation area in the world in my view, bar none. For years they have used every measure available to to them to see that it did not get too widely distributed. They've had many favourable aspects, giving some families for generations access to the best cottage and recreation country that I know of anywhere. So, while we want to be fair to them, I think our primary responsibility is to those who are permanent residents of the area. We don't want to differentiate between the two, and my colleague has very carefully put forward that our judgement in this means that it is fair to both sides. We have people from both sides commending us for our stance. The idea that you speak only for the people who are right, correct and honest—and maybe Conservative, I don't know—really is very difficult for us to accept.

I believe we have done the best we can with the information we could provide for ourselves. We, at that time, had the support of the NDP. They are now considering otherwise. This amendment is the sort of thing that looks like it's going to carry. It may very well carry, but we're not supporting it.

**Hon. Mr. Wells:** Take your blinkers off.

**Mr. Nixon:** If you handle national unity the way you handled Parry Sound, the country is in peril.

**Mr. Swart:** Mr. Chairman, I'll try to be brief on this, but after the member for Brant-Oxford-Norfolk spoke I do have to rise to make some comments. As my colleague from Wentworth has already said, we are supporting this bill.

I think it's no secret that in this party, from the beginning, we had real concern the people in the area, particularly the cottagers, did not have full knowledge that the one municipality was, in fact, two areas separated by the township of Carling. It was our view there would be some wisdom in sending this bill out of the House to a committee where there could be public input. Although this has gone on for six years, it wasn't until last fall that this proposal was made. It came in the bill last fall and then came again in the bill this spring.

Many of the people had not had the opportunity to determine whether they wanted those two separate areas combined into one area or whether they would like to have them separate. We felt that it should go out to a committee. However, because of the length of time taken in coming to this point and because we had some preference for the two municipalities instead of one, when they were physically separated by the distance which existed, we thought we would go along with the amendment put forward by the Liberal Party. There was only one of what is now two alternatives.

Now there is another alternative which we think meets our concerns and ought to meet the concerns of the Liberal Party. What is really happening now is that it is going to go back to the people in that area. It's going to meet our first view that it should go out to a committee. It's going to be established in two municipalities who will have the right to discuss it—and, believe me, the councils are not going to make an arbitrary decision. I know councils too. I've sat on them for a number of years. They're going to consult with the people and there will be lengthy debates within those municipalities on whether they should become one or two.

We in this party always supported the principle that where there is a community of interest, as there was, the community of interest should be in the municipality. The question was—when they are 15 miles apart or whatever the case is in that area—that maybe there should be two municipalities where the residents of those municipalities still have a single community of interest.

Quite frankly, although we are unhappy with the government coming to this position so late in the game—and you people to my right have a right to complain—nevertheless I can't understand the arguments put forward by the member for Brant-Oxford-Norfolk when he says this is going to be an arbitrary decision. He was saying the minister would have the power to make it and there would be no—

**Mr. Nixon:** I didn't say that. I haven't even got a copy of the amendment.

**Mr. Swart:** The member may not have a copy of the amendment but he took 15 minutes speaking on it. Maybe that is the reason you didn't fully understand the amendment, because you hadn't seen a copy of it.

**Mr. Ruston:** Changing your mind now?

**Mr. Epp:** Flip-flopping, that's all you've done.

**Mr. Swart:** If the member for Brant-Oxford-Norfolk is intimating, as he did, that it's going



to be an arbitrary decision made by the minister—

**Mr. Epp:** In front of all these people you're flip-flopping.

**Mr. Swart:** —I recall that not long ago he was complaining bitterly about the costs of Ontario Municipal Board hearings and even commending the government for looking for some alternative. This may be the kind of alternative you were talking about, where you are giving the minister, which, of course, is the government, the power, after full consultation takes places there and councils pass bylaws, to make the decision on whether it should be amalgamated, so it would not have to go to Ontario Municipal Board hearings and there would be no cost to the public in this province.

**Mr. Nixon:** Do you want them to have that power in your area? I would think not.

**Mr. Swart:** I suggest, as the member for Wentworth has already said, that if this proposal had been in the original bill we would have supported the government on it then. We think it largely answers the matter of opposition we had to the bill and therefore we are going to support it. I guess I would just like to conclude by saying once again this rather indicates the value of minority government—

**Mr. Epp:** Because you can flip-flop.

**Mr. Swart:** —because I suggest this is about the best possible solution we could get for this problem.

**Mr. G. I. Miller:** Mr. Chairman, I wasn't going to enter into the debate at this time because I felt we had covered it quite adequately, but since there has been more reference made to our going into the Parry Sound district at the request of some local groups I would like to clarify a couple of points.

There was reference made to the people of Carling township perhaps being the most concerned. I believe they are the most concerned because they do have archipelago land in front of their municipality. As the member is well aware, they have the most to lose, because they feel if those islands are taken away the municipality will move inland and take a considerable strip off of Carling township and it will not be a viable township at that point.

We went there to listen; we weren't there to take sides. But, as I pointed out in my opening remarks the other day, we wanted to make sure the people there are protected, that the islands are protected and improved and that the relationship between the two improves. As our House leader, the member for Brant-Oxford-Norfolk, indicated—and he

covered the points very well—we are setting up an organization for future generations. The north is just organizing and the area of Parry Sound is organizing and we are going to have to live with this decision for many years. I think we want to take the right approach.

We were pointing out the fact that under a regional type of government—which maybe this isn't, but it could well lead to it—when you have an area 50 miles long where do you have your administration? How do you get in touch with the local representative? These facts all enter into it. Can you take part in the municipal election? Can you participate as a councillor? In many of the regional governments which have been established, many people have been eliminated from participating and giving their time. I think that is what we are really trying to point out.

Again, I would like to know what the member's stand is on Carling township. Do you feel that eventually that archipelago land will be put together and the whole area made into one township? I think that is really what the people there are afraid of. I don't think they want to see that happen. That should be clarified.

I would also point out the member for Wentworth said on Tuesday he didn't want one large, huge municipality, but today he supports facilitating it for the area and they are just trying to justify it.

**Mr. Isaacs:** We support local autonomy.

**Mr. Epp:** You said you did not support the whole municipality and now you are facilitating it. That's right, you stood right there—

**Mr. Isaacs:** We support saving money for the taxpayers.

**Mr. Deputy Chairman:** Come back to the amendment, please.

**Mr. G. I. Miller:** I think the member for Welland-Thorold is also trying to justify the change in the NDP position. We have been consistent from the very beginning. To bring this in, at this particular point in time at this particular sitting, is not justifiable and is not giving enough time for the people to participate.

However, we made our point clear. The government will have to stand on the decision made. Thank you.

**Hon. Mr. Wells:** Mr. Chairman, I would like to reply quickly. We have had an interesting little exchange. I must say, in the last few days and in the last few months the one thing that has bothered me in this House is that the member for Brant-Oxford-



Norfolk increasingly resorts to personal attacks in his comments in debate, something few other members of this House do.

**Mr. Nixon:** Maybe because I said you didn't handle it well. You have not handled this well and that's a personal comment.

**Hon. Mr. Wells:** It does him no credit and he knows nothing about what has gone on over the past few weeks or the past few months in this bill. If he would leave it to his members who know something about local government, the whole cause of the debate of this bill would have been better served. I am not going to say any more. I just say it does him no credit.

Let me emphasize this bill is not regional government. Our stand on regional government is well known. I have stated it many times in this House.

**Mr. Kerrio:** I guess it is.

**Mr. Nixon:** It's well known in my riding, I will tell you.

**Hon. Mr. Wells:** This is a restructuring bill for the area.

**Mr. Kerrio:** This is a mini-regional government.

**Hon. Mr. Wells:** Oh, read the bill, then, read the bill.

In answer to the comment made by the member for Wentworth, the reason for subsection 2 is so those sections in part I that pertain to the operation, in this case now the two townships, can also then pertain to the one township if that came about. These sections apply to school taxes, local roads board matters, the planning area, the area where the meetings may be held and so forth. All those things are made by that section to apply if one municipality comes along.

**Mr. Chairman:** All those in favour of Hon. Mr. Wells' amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the ayes have it.

Motion agreed to.

Section 12 agreed to.

Sections 13 to 26, as renumbered, agreed to.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendments.

[1:30]

### THIRD READING

The following bill was given third reading on motion:

Bill 100, An Act respecting Local Government in the District of Parry Sound.

### PUBLIC UTILITIES AMENDMENT ACT

**Mr. Rotenberg,** on behalf of Hon. Mr. Wells, moved second reading of Bill 101, An Act to amend the Public Utilities Act.

**Mr. Rotenberg:** Very briefly, this bill contains four amendments affecting public utility and hydro-electric commissions in the province. One of these changes will permit the resale of water with the permission of municipalities. This will enable commercial water haulers to resell water from a waterworks to a person whose private water supply has been depleted. I would indicate that this is at the request of the Hamilton-Wentworth region mainly.

Another amendment clarifies the wording of the act's provision conferring a lien on land supplied by a large public utility for up to three months in arrears of utility charges in the same manner as municipal taxes. The bill also proposed to make clear that members of the commission are to be elected by a general vote of electors and that the term of office of the members will be the same as council under the Municipal Act, 1977.

Finally, the bill proposes to remove Ontario Hydro's responsibility to approve the salary of members of public utility or hydro-electric commissions. These salaries of members will continue to be fixed by municipal council. I commend the bill to the House.

**Mr. Epp:** I'll be brief on this. I just wanted to indicate that I wholeheartedly support some provisions in the bill, particularly the one where the elected PUC officials can determine their own salary. Until now, some bureaucrat in Ontario Hydro could sit up there and say, "Look, you people can't increase your honoraria by \$15 or \$100" or whatever, despite the fact that they were elected. This now provides that the bureaucrat at Ontario Hydro cannot have that veto over the increase of the salaries, but the people who are elected by the local citizens will have that particular power. I recommend that section. We will support the bill.

**Mr. Isaacs:** The provisions of this bill are relatively straightforward. The parliamentary assistant made reference to section 1 being there at the request of the regional municipality of Hamilton-Wentworth. That's certainly correct. That municipality has run into problems because of the large amount of water-trucking that's necessary to serve areas that cannot drill wells, for various reasons, and for which cisterns are the only appropriate method of providing water.

The third section, regarding the election of the public utilities commission, is very



straightforward, and we are prepared to support it.

The second section does give us a little bit of concern. When we were dealing with the Line Fences Act a few weeks ago, the government made it clear that it felt that municipalities should not operate as collection agencies. Yet in this bill we're setting up that municipalities are going to be collection agencies for Ontario Hydro. We believe that's inconsistent and inappropriate.

Ontario Hydro is in a situation where it can use its own provisions for collecting overdue bills. Municipalities already have a very substantial burden of their own business. We accept that it's appropriate that they deal with their own outstanding bills and the bills for their hydro-electric or public utilities commissions themselves as if those were taxes; that makes sense because those are local enterprises. But we have great difficulty in understanding why the government wishes to make municipalities bill collectors for Ontario Hydro.

I hope that the parliamentary assistant will be able to give an adequate explanation of that before we proceed to committee stage or third reading on this bill. In other aspects, we see it as a good bill.

**Mr. Rotenberg:** I would thank the honourable member for his support. I would indicate, on the point brought up by the member for Wentworth, I raised a distinction in the Line Fences Act, and I raise it again, that I felt it was inappropriate for a municipality to be a collection agency for a private person as distinguished from a public utility or from a municipality. Of course, this allows the municipality, the local hydro commission or Ontario Hydro, to collect money in the same way as a municipality can a tax. There is quite a distinction between a public utility using this method and a private person, which is why we feel it is appropriate here and not in the other situation.

Motion agreed to.

Third reading also agreed to on motion.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK AMENDMENT ACT

**Mr. Rotenberg,** on behalf of Hon. Mr. Wells, moved second reading of Bill 95, An Act to amend the Regional Municipality of Haldimand-Norfolk Act, 1973.

**Mr. Rotenberg:** The requirement for this bill is simply that the present Haldimand-Norfolk regional act sets out that a quorum, among other things, shall consist of at least

one member from every municipal council. This is different from most regional governments and it was never intended that that quorum provision should be used, in effect, to block the council from governing. Unfortunately, in recent times there has been a controversy in council, and one municipality has been boycotting the council, which makes it impossible for council to govern. However, at a recent meeting of the Haldimand-Norfolk regional council, a resolution was brought forward indicating that regional council does endorse and support Bill 95, and this, I think, is being done to solve a local problem. For that reason, I commend it to the House.

**Mr. G. I. Miller:** I would just like to make a few brief comments on Bill 95. Originally, the provision was established back in 1973, under the Regional Municipality of Haldimand-Norfolk Act and at that time it appeared to be a good clause to give protection to all municipalities, because the region of Haldimand-Norfolk does stretch over a wide area and with this provision being established as it was, one municipality could not be railroaded into accepting expenses that weren't justified. Subsequently, with the development of the new towns and townsite and the agreements that have been drawn up, I understand the township of Norfolk wasn't satisfied with the way the agreements were being developed with the province and they made comments to this effect. Unfortunately, they withdrew from the council on two occasions and the council, of course, was brought to a standstill. I think it did make recommendations, not from a legally constituted council, but through the chairman, which brought about Bill 95. When we dealt with it a week or so ago the opposition indicated it wasn't a legal motion from the council and perhaps it should be sent back with that in mind. Consequently, on June 15, that motion was brought forth from the regional municipality of Haldimand-Norfolk recommending a change, and it was supported, not unanimously—I think it was 13 to six—that the change should come about and, of course, under those conditions I have no other alternative than to support the bill. It is to be hoped it won't leave a scar and that the regional council may continue to work successfully in the best interests of the region as a whole. Again, we do support the bill.

**Mr. Isaacs:** Mr. Speaker, my remarks will also be very brief. We support the principle of this bill, though we have some very grave concerns about the way it came before this House and about the fact that it is being



dealt with in isolation. As the member for Haldimand-Norfolk has indicated, the bill was introduced for first reading prior to the motion being made in Haldimand-Norfolk regional council requesting the bill. We believe that is a very inappropriate way to go.

As was indicated here this morning by the minister, local councils work by bylaw, and unless the resolutions and the bylaws have been put in place I do not believe the government should be acting on requests from municipalities. I think there was a very serious flaw there and I am very pleased that Haldimand-Norfolk council has now accepted this bill; although it was not a unanimous vote, it was a 13 to six vote, and it is my understanding that in the case of at least one municipality both the representatives of that municipality voted against the resolution.

So we still have a situation where it is not the wish of the people, it is the wish of some of the people, and some of the municipalities in Haldimand-Norfolk are imposing their will on another municipality in that same region. That concerns me. It concerns me that we get into this kind of thing without an overview of what is going on in regional council and in regional government in Haldimand-Norfolk.

There have been some requests from people in that region for a review of the regional structure. We know that reviews of regions become very costly and are not necessarily as productive as they should be, but I think it would be appropriate for the government to assist the region in setting up some kind of review so that everything about that region can be looked at. It has been in operation for six years now and everything about the region should be looked at, rather than dealing with just one item as is contained in this bill.

We are concerned, too, about the statements that have been made that the provision that the quorum contain representatives from all municipalities was never intended to be used to block legislation. We have reviewed the reports that were done and the studies that were undertaken prior to the setting up of that regional municipality. We have reviewed the debates, the Hansard, of the time the two bills under which that regional council is set up came before this House and we cannot find any reference to the quorum provision as it relates to requiring all municipalities to be present.

But when one thinks about it, the only purpose for that provision is so that there can be protection for one municipality and that one municipality can block something

that regional council wants to do that it disagrees with. There is no other conceivable purpose for such a quorum requirement. It seems to us very inappropriate that the first time one municipality decides to use that provision which was given to it in the bill and it decided to use it on a motion that may well have been of great concern to the government, then the government comes along and says: "We are taking away that provision. We are taking away your right to block a bill in regional council."

We agree that it is unrealistic to have a quorum requirement of the kind that is specified. Government could not work if, for example, we had a quorum here in this House that required that the member for a riding be present if something was being debated that affected his riding and a decision was to be made on something that affected his riding. Those kinds of things don't work and it is not a component of our democratic system.

We are very concerned about the way it came before us and we are very concerned that it appears to be yet another example of where, for one reason or another, someone has been attempting to apply some pressure or has realized that a mistake was made when the bill was originally set up, the bill incorporating the regional municipality of Haldimand-Norfolk, and yet will not investigate the whole of that bill but will just deal with the one provision that is before us now. We support this reluctantly—reluctantly because of the way it came here.

[1:45]

**Mr. Nixon:** I am surprised the member for Wentworth (Mr. Isaacs) wouldn't understand why the resolution from the council supporting the change was not available. The fact is the council was out of commission for a substantial period of time because the representatives from the township of Norfolk would not attend because of the provisions of the requirement for a quorum, and the regional council was really put out of business and could do nothing but lobby on an individual basis.

I, too, regret the fact this amendment is necessary. I believe it was put in the bill in the first instance, and it was a special requirement, simply because the region is so huge and ungainly. It is 80 to 100 miles long, depending on whether you are moving on the back of a crow or trying to get from one end to the other by road. The requirements of the various communities vary tremendously.

The representatives of the township of Norfolk—which is right over by Tillsonburg, if it helps with the geography of any members



who are paying attention—were simply objecting to the fact that the government of Ontario was urging and pressing to pursue its plan for the development of a new city, the city envisaged by former Treasurer John White, in the area presently known as the city of Nanticoke, which as everyone knows is a rural area.

The concept to go forward was objected to by Norfolk because it felt the provisions for the costing had not been pinned down sufficiently to safeguard the local taxpayers, and since they were many miles from the centre of the proposed new town they wanted to use all the powers within their command to safeguard their own ratepayers. In fact, I believe the process is now going forward, and I, too, regret the fact that this bill is before us.

The Minister of Intergovernmental Affairs (Mr. Wells) is not in his place. I know he objects to my criticizing him, but I do criticize him, and if it is personal perhaps that's the way it should be. He is a man with large responsibilities. I do believe he might have done more to bring about an amicable settlement of the situation which finally led to the introduction of this bill. Perhaps he did all he could do, but once again, if that is so, in my view it was a failure. The regional municipality has been working as effectively as it could under the circumstances with the quorum provisions as they were before this bill came before us.

The minister chose to introduce the amendment, it has been approved by a majority of the council and it appears that it is now about to pass this House.

**Mr. Rotenberg:** I think the member for Brant-Oxford-Norfolk has covered the criticism of how this bill came about. It came about not at the request of the council of the municipality—because the council, as the member has indicated, was unable to meet; it came about at the request of the chairman with the advice of a majority of council who asked for it, not in a formal way because it couldn't meet but they asked that this bill be brought forward. It was brought forward for first reading and the council went back and endorsed it. Had we waited until the council met, we might still be waiting.

It seems that no matter which way we do it some members criticize the way we bring in bills. This bill, and most of the bills we are dealing with today, are things that are done at the request of the municipalities. I think we have done the best we could under the circumstances to put this regional

council back in business. I thank all the members for their support.

**Motion agreed to.**

Third reading also agreed to on motion.

#### MUNICIPAL AMENDMENT ACT (concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 103, An Act to amend the Municipal Act.

**Mr. Speaker:** Does any member wish to speak on this bill?

**Mr. Epp:** Mr. Speaker, I just want to indicate we are prepared to make an amendment later on.

**Mr. Rotenberg:** On a point of order: I believe the member spoke on this bill already during the debate.

**Mr. Epp:** The Speaker wanted some speakers, so I thought I would oblige.

**Mr. Speaker:** That applied to members who hadn't already spoken. I can't be expected to remember who spoke to every bill. Does any other member wish to speak who hasn't already spoken?

**Mr. Rotenberg:** Very briefly, there were some questions raised by the member for Wentworth, and since the questions are on the record I think the answers will have to go on the record.

He asked, with reference to section 9, why ministerial approval would still be required to set up roads narrower than 30 metres. Requirement for ministerial approval of roads exceeding 30 metres is no longer there because other planning approval procedures exist which cover any such planned roads. However, while the Minister of Housing (Mr. Bennett) will retain approval of roads less than 20 metres under the Planning Act, it provides him with the power to delegate responsibility for these roads to municipalities, including regional municipalities.

On section 15 of the bill, delegation of taxation appeals to a municipal council: as a result of consultation with the MLC this morning and other representations, I will be bringing in an amendment to delete section 15 at this time. We will have further consultations with the municipalities to find a way to solve this problem.

The member also raised a question on credit unions. I would point out that section 312 of the Municipal Act, as amended during the fall last year, enables municipalities to invest in credit unions and caisses populaires, as well as in trust companies and chartered banks. This amendment was proclaimed on



January 31, 1979. On the same date, section 35 of the Credit Unions and Caisses Populaires Act, 1976 was proclaimed, enabling a municipality to become a member of a credit union under terms and conditions described in the regulations. Amendments now before the House for all future municipalities will extend to them the ability to invest in credit unions.

The member for Wentworth will be making an amendment to section 12, the minimum tax bill. I will deal with that at the time we are in committee of the whole. The member raised the question on the last section of the bill, the minister's prescribing of French forms and local autonomy, wondering why the minister would prescribe rather than put them in the act. There is a commitment that the minister will prescribe these forms. It is simpler for forms to be prescribed rather than putting them in the act. In the event changes have to be made in the forms from time to time it is much easier to do it that way. There is no question but that these forms will be prescribed and the local municipalities will then have the alternative of using them.

I think that covers the questions raised. I would ask for approval of second reading of this bill.

Motion agreed to.

Ordered for committee of the whole House.

**Hon. Mr. Welch:** Mr. Speaker, I think we have to face up to the clock at the moment. If it is considered wise to get this one finished, we could go into committee and do it, but I have some understanding that to attempt to do much more beyond two o'clock wouldn't meet with too much support or enthusiasm here at the moment.

The only thing to do would be perhaps to go into committee and do Bill 103 and defer consideration of the others for the fall, unless there are some second readings we could deal with quickly and leave this one. I am cognizant of the fact we only have authority to go to 2 p.m. Her Honour has to come in for royal assent. If there were some of these bills to which we could give quick reading through, fine; otherwise we have to complete by two o'clock.

**Mr. Rotenberg:** I don't know how the opposition critics feel, but Bill 104, and the Muskoka bill and the Waterloo bill are three bills which I think can be done fairly quickly and given second and third readings. I have no notice of amendments—unless the other members object.

**Hon. Mr. Welch:** There are amendments to Bill 114.

**Mr. Rotenberg:** On Bills 103, 104 and 116 I have no notice of amendments. We might as well get those done today if we can.

**Mr. Epp:** If we could stay and deal with these very quickly, I think we could deal with them in the next 20 or 25 minutes.

**Mr. Speaker:** There was unanimous agreement for this House to sit until two o'clock.

**Mr. Rotenberg:** The bills I am looking at are Bills 104, 116 and 117; if those bills have no amendments, we could carry those bills.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 104, An Act to amend the Municipality of Metropolitan Toronto Act.

**Mr. Rotenberg:** If there is no reason for comment, I won't.

**Mr. Speaker:** Does any other member wish to speak to the bill?

**Mr. Isaacs:** I certainly won't delay passage of the bill through second reading, but I would have some very serious concerns about this bill receiving third reading and royal assent prior to our dealing with Bill 103, given that it contains some provisions which are similar to those in Bill 103. I would be very reluctant to have us give authority to the municipality of Metropolitan Toronto in certain areas before we have given it to other municipalities in the province. I will withhold unanimous consent until third reading.

Motion agreed to.

Ordered for committee of the whole House.

#### DISTRICT MUNICIPALITY OF MUSKOKA AMENDMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 116, An Act to amend the District Municipality of Muskoka Act.

Motion agreed to.

Third reading also agreed to on motion.

#### COUNTY OF OXFORD AMENDMENT ACT

Mr. Rotenberg, on behalf of Hon. Mr. Wells, moved second reading of Bill 117, An Act to amend the County of Oxford Act, 1974.

Motion agreed to.

Third reading also agreed to on motion.  
House in committee of the whole.



## MUNICIPAL AMENDMENT ACT

Consideration of Bill 103, An Act to amend the Municipal Act:

Sections 1 to 11, inclusive, agreed to.

On section 12:

**Mr. Isaacs:** I have an amendment to section 12, Mr. Chairman. I have sent copies to the critic for the Liberal Party and to the parliamentary assistant. I have additional copies here, and I can send those at this time.

**Mr. Chairman:** Mr. Isaacs moves that section 12 be struck out and the following substituted therefor: "12. Section 517(1) of the said act is repealed and the following substituted therefor:

"(1) The council of any municipality may by bylaw provide that where the sum of the taxes for which any person is chargeable in any year for municipal schools, local improvement and other purposes, upon any real property assessed in one parcel to the same owner, would according to the assessment thereon be less than \$10 or such other amount as may be prescribed by bylaw, the sum of such taxes shall be deemed to be \$10, or such other amount as determined by council and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as determined by council shall form part of the general funds of the municipality."

**Mr. Isaacs:** The purpose of this amendment is to permit local councils to decide the amount of the minimum tax bill. We feel the matter of property taxation is something that is now firmly within the purview of local councils. It seems to us to be quite inappropriate that the intervention of the minister is necessary in order to set the amount of the minimum tax bill that shall be levied in any municipality.

The situation does not arise very frequently, according to some checking I've done, but there are certain municipalities in which there are a multitude of owners of very small parcels of land. It's in that circumstance that a minimum administrative cost has to be recovered through the tax bill. The purpose of the amendment is to allow the municipality to determine the amount of that minimum administrative cost.

[2:00]

**Mr. Rotenberg:** Mr. Chairman, very briefly, as of now the municipality can set the minimum. The government has set the maximum of \$6. We're saying the maximum minimum will be \$10 and underneath that amount the

municipality can do whatever they want. We do want to give the municipalities the right to set the minimum tax bill at \$50 or \$100 or whatever they might do.

The reason for the point of having the minister involved is that if at some future date because of inflation we want to raise the maximum minimum to \$15 or \$20, the minister can then do that by order without having to come back to the House. If that part is not acceptable I can withdraw that, but we do not want to give the municipalities the right to set a minimum tax bill as high as they want to. They can set it as low as they want and the bill sets the maximum the minimum can be. Therefore, I don't support the amendment.

**Mr. Chairman:** All those in favour of the amendment will please say "aye."

All those opposed will please say "nay."

In my opinion the nays have it.

Motion negatived.

Section 12 agreed to.

Sections 13 and 14 agreed to.

On section 15:

**Mr. Chairman:** Mr. Rotenberg moves that section 15 of the bill be struck out and that sections 16, 17 and 18 be numbered as sections 15, 16 and 17 respectively.

Motion agreed to.

Sections 15, 16 and 17, as renumbered, agreed to.

Bill 103, as amended, reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill with amendment.

## THIRD READING

The following bill was given third reading on motion.

Bill 103, An Act to amend the Municipal Act.

## ANSWER TO QUESTION ON NOTICE PAPER

**Hon. Mr. Welch:** Mr. Speaker, I wish to table the answer to question 260 standing on the Notice Paper. (See appendix A, page 3278.)

**Hon. Mr. Welch:** May I have permission of the House to revert to motions very briefly?

## MOTION

## COMMITTEE MEETINGS

Hon. Mr. Welch moved that the standing administration of justice committee, the standing resources development committee and the standing general government committee meet on the morning of October 10, 1979, for the



purpose of considering estimates: The standing administration of justice committee, estimates of the Ministry of Consumer and Commercial Relations; the standing resources development committee, estimates of the Ministry of Natural Resources; the standing general government committee, estimates of the Office of the Assembly.

Motion agreed to.

**Hon. Mr. Welch:** Mr. Speaker, there appears to be some confusion, but just before I go for the Lieutenant Governor, I don't wish people to feel under undue pressure but it was my understanding when I called second reading of Bill 104, the member for Wentworth (Mr. Isaacs) made it quite clear they wanted some opportunity to think about it and would deny us unanimous consent to go to third reading so they left it in committee of the whole. Is that now changed? Can we now carry Bill 104?

It's in committee, so we could just quickly go into committee of the whole House and come back and give it third reading; is that what members wish?

Agreed.

House in committee of the whole.

#### MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Consideration of Bill 104, An Act to amend the Municipality of Metropolitan Toronto Act.

**Mr. Chairman:** Are there any comments, questions or amendments to Bill 104?

Bill 104 reported.

On motion by Hon. Mr. Welch, the committee of the whole House reported one bill without amendment.

#### THIRD READING

The following bill was given third reading on motion:

Bill 104, An Act to amend the Municipality of Metropolitan Toronto Act.

**Hon. Mr. Welch:** Mr. Speaker, just before adjournment we would like to bring Her Honour into the House to consider royal assent for a number of bills.

**Mr. Speaker:** I would just like to remind the House that before I got here I got paid on a mileage basis.

**Hon. Mr. Welch:** Perhaps the Speaker would recognize some of the procedures today, being an old railroad man—or rather a railroad man.

The Honourable the Lieutenant Governor of Ontario entered the chamber of the Legis-

lative Assembly and took her seat upon the throne.

#### ROYAL ASSENT

**Hon. Mrs. McGibbon:** Pray be seated.

**Mr. Speaker:** May it please Your Honour, the Legislative Assembly of the province has, at its present sittings thereof, passed certain bills to which, in the name of and on behalf of the said Legislative Assembly, I respectfully request Your Honour's assent.

**Clerk Assistant:** The following are the titles of the bills to which Your Honour's Assent is prayed:

Bill 8, An Act to amend the Trees Act;

Bill 46, An Act to amend the Local Improvement Act;

Bill 80, An Act to amend the Veterinarians Act;

Bill 81, An Act to amend the Hunter Damage Compensation Act;

Bill 82, An Act to amend the Dog Licensing and Live Stock and Poultry Protection Act;

Bill 89, An Act to amend the Public Commercial Vehicles Act;

Bill 90, An Act to amend the Highway Traffic Act;

Bill 95, An Act to amend the Regional Municipality of Haldimand-Norfolk Act, 1973;

Bill 96, An Act to amend the Planning Act;

Bill 99, An Act to amend the Public Transportation and Highway Improvement Act;

Bill 100, An Act respecting Local Government in the District of Parry Sound;

Bill 101, An Act to amend the Public Utilities Act;

Bill 103, An Act to amend the Municipal Act;

Bill 104, An Act to amend the Municipality of Metropolitan Toronto Act;

Bill 111, An Act to amend the Judicature Act;

Bill 112, An Act to amend the County Judges Act;

Bill 113, An Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions;

Bill 116, An Act to amend the District Municipality of Muskoka Act;

Bill 117, An Act to amend the County of Oxford Act, 1974;



Bill 119, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Halton;

Bill 123, An Act to provide for Municipal Hydro-Electric Service in the Regional Municipality of Durham;

Bill 131, An Act respecting the Village of Point Edward;

Bill 133, An Act to repeal the Income Tax Discounters Act, 1977;

Bill 135, An Act to amend the Police Act;

Bill 139, An Act to amend the Legislative Assembly Act;

Bill 140, An Act to amend the Executive Council Act;

Bill 142, An Act to amend the Residential Premises Rent Review Act, 1975 (2nd Session);

Bill 163, An Act to reform the Law respecting Residential Tenancies;

Bill Pr9, An Act respecting the City of Ottawa;

Bill Pr13, An Act respecting Massey Hall;

Bill Pr14, An Act to revive The January School as Montcrest School;

Bill Pr16, An Act respecting the Trustees of Windsor Grove Cemetery.

**Clerk of the House:** In Her Majesty's name, the Honourable the Lieutenant Governor doth assent to these bills.

The Honourable the Lieutenant Governor was pleased to retire from the chamber.

#### TYNWALD MILLENNIUM

**Mr. Speaker:** Before leaving here for the summer recess, may I take this opportunity to thank all members for their co-operation and to thank the staff of the assembly on behalf of the members for their assistance during the first part of the session. I hope that everyone will have a pleasant summer and that we will all safely return to this chamber in October.

I am sure the House will be interested in a significant event which will take place on July 5. We often refer to the Parliament of Westminster as the Mother of Parliaments in respect for its long tradition. However, the grandmother of Parliaments, the Tynwald, on the Isle of Man, will on July 5 celebrate its 1,000th anniversary. The millennium will be marked by celebrations at which Speakers from all around the world will attend, and I am honoured to be able to join in these ceremonies. I know that I take the good wishes of this House to the people of Man on this significant occasion.

Once again, I wish all of you a very pleasant summer. This House stands adjourned until Thursday, October 11, at 2 p.m. pursuant to the order passed earlier today.

The House adjourned at 2:16 p.m.

#### ERRATUM

No.	Page	Column	Line	Should read
76	3076	1	45	Mr. Gregory: There certainly was.



## APPENDIX A

(See page 3246)

ANSWERS TO QUESTIONS  
ON NOTICE PAPER

## ECONOMIC IMPACT ANALYSES

**228. Mr. Cassidy:** Will the ministry table a list of (a) new programs, (b) legislation, (c) regulations for which an economic impact analysis has been undertaken since the establishment early in 1978 of the cabinet policy requiring the production of such studies? Will the minister also indicate the approximate number of man-hours of work spent on each of these studies and the public costs incurred? (Tabled June 4, 1979)

**Hon. Mr. Henderson:** All major policy proposals coming before cabinet and its committees have traditionally been analysed for their likely impact on the provincial consolidated revenue fund and the Ontario economy as a whole. In December 1977 cabinet decided that a more formal economic impact evaluation statement should be prepared for and incorporated into all submissions to cabinet.

The instructions with regard to the impact analysis have been given to all ministries in a publication issued by the cabinet office called *Guidelines for Preparing Cabinet Submissions*.

The government now provides compendia for proposed legislation and background information for estimates debates which to our knowledge constitutes more extensive briefing material than is provided in any other Canadian jurisdiction. However, as a matter of policy, based on the British parliamentary tradition, cabinet submissions are not distributed.

The number of man-hours spent on the preparation and review of these statements and the public costs related thereto is impossible to determine as it is so closely linked with the whole policy formulation and decision-making processes.

**229. Mr. Cassidy:** Will the ministry indicate whether or not economic impact analyses have been done, since the tabling of the budget on April 10, 1979, on major items such as the changes to the Mining Tax Act, abolition of succession duties, the raising of OHIP premiums, the creation of the Employment Development Fund, and small business development corporations? (Tabled June 4, 1979)

**Hon. F. S. Miller:** The performance of major budget-related initiatives is monitored

and reviewed by the ministry as a matter of course. Other organizations such as the Ontario Economic Council may, from time to time, provide independent evaluations of aspects of provincial budget policy. In the past, the ministry has undertaken directly or has financially supported extensive economic impact analyses of major fiscal policy measures, for example, the exemption from retail sales tax of production machinery and equipment.

No extensive economic impact analyses have yet been undertaken on any items contained in the 1979 budget as such analyses would be premature.

**230. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 19, An Act to amalgamate the Ministry of Colleges and Universities and the Ministry of Education? (Tabled June 4, 1979)

**Hon. Miss Stephenson:** No formal economic impact analysis was done prior to the introduction of Bill 19, An Act to amalgamate the Ministry of Colleges and Universities and the Ministry of Education.

The primary purpose of amalgamation of the two ministries was not cost-saving. It was, instead, to improve the interface between educational planning and implementation at the elementary/secondary level and the post-secondary level, to provide an educational policy continuum from kindergarten to post-graduate education, and to provide an efficient internal operation.

It is our view that the amalgamation will have no economic impact on the private sector but that some financial savings will accrue for the public sector through the increased operational efficiency of having one ministry. At this time, certain economies are being realized by virtue of having one minister and related staff heading up the two ministries. Further savings are being realized through the utilization of less physical space.

**231. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 25, An Act to amend The Labour Relations Act? (Tabled June 4, 1979)

**Hon. Mr. Elgie:** The government currently distributes a compendium of background information to the Clerk and representatives of the opposition parties when any bill is tabled. However, this collection of briefing material does not contain the cabinet submission that was considered prior to the specific



piece of legislation appearing in the Legislature.

It has been an accepted practice that such cabinet documents are not circulated outside of the cabinet. Thus to distribute an economic impact study on Bill 25 (which formed a part of the cabinet submission), would violate this provision of confidentiality. For that reason the economic impact study cannot be provided.

**232. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 58, An Act to amend the Retail Sales Tax Act? (Tabled June 4, 1979)

**Hon. F. S. Miller:** All proposals contained in the provincial budget are subject to thorough review by the ministry concerning their potential economic and financial impact. This review is based on internal staff analysis as well as reports, submissions and briefs from various areas of government and the private sector.

In addition, the budget statement and accompanying budget papers spell out the rationale underlying each major budget proposal, although obviously they cannot and do not make reference to every piece of analyses and information that may have been available to facilitate the assessment of the economic and/or financial impact of policy proposals. As a matter of policy, based on the British parliamentary tradition, documents and other material developed for and used directly in the budget decision-making process are not distributed.

**233. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 77, An Act to amend the Crown Timber Act? (Tabled June 4, 1979)

**Hon. Mr. Auld:** As required by cabinet, an economic impact statement was completed

prior to the introduction of Bill 77, An Act to amend the Crown Timber Act. Consistent with government policy, this ministry does not release cabinet submissions.

**234. Mr. Cassidy:** Will the ministry table the economic impact analysis done prior to the introduction of Bill 89, An Act to amend the Public Commercial Vehicles Act? (Tabled June 4, 1979)

**Hon. Mr. Snow:** An economic impact analysis was performed as part of the cabinet review of the issues comprising Bill 89. Since, as a matter of policy, the contents of cabinet submissions are not distributed, the economic impact analysis will not be tabled.

I would note that a compendium was presented to the House at the time the bill was introduced which provided much supporting information on the substance and purpose of the bill.

#### WEIGHTING FACTORS

**241. Mr. Bounsall:** Will the ministry provide the precise detail requested in question 187 and omitted in its reply tabled on May 31, 1979, as well as providing further information regarding staffing, not requested at that time? Will the ministry for 1978 and 1979 estimated, provide the following table containing the following information on the language of instruction weighting factor: board name; number of full-time equivalent pupils; cash value of weighting factor; cash value for each full-time equivalent pupil enrolled in a language of instruction class; number of full-time equivalent teachers; number of consultants or administrators directly involved in the program? (Tabled June 8, 1979)

**Hon. Miss Stephenson:** The answer is as follows:



## LANGUAGE OF INSTRUCTION

Board Name	1978					1979				
	No. of Full-Time Equiv. Pupils	Cash Value of Weighting Factor	Cash Value for Each Full- Time Equiv. Pupil Enrolled in Lang. of Instr. Class	No. of Full-Time Equiv. Teachers—Lang. of Instr. Class	No. of Consultants or Administrators in Program	No. of Full-Time Equiv. Pupils	Cash Value of Weighting Factor	Cash Value for Each Full- Time Equiv. Pupil Enrolled in Lang. of Instr. Class	No. of Full-Time Equiv. Teachers—Lang. of Instr. Class	No. of Consultants or Administrators in Program
Boards of Education										
Metro Toronto										
—Pub.	194,123	4,866,661	1,844	366.9	10.3	180,181	3,376,033	2,105	319.3	9.7
—Sec.	143,205	2,054,990	2,865	111.4	6.2	136,262	2,458,174	2,998	154.5	5.5
Ottawa	17,500	74,901	1,849	12.0	—	16,379	235,304	2,126	19.0	—
—Sec.	—	—	—	—	—	22,273	79,290	2,730	8.0	0.5
Separate School Boards										
Metro Separate	89,567	1,035,394	2,121	86.0	2.0	89,761	62,832	2,375	60.6	—
Halton RCSS	8,550	16,587	2,143	4.0	—	—	—	—	—	—
North of Superior RCSS	1,128	428	1,585	0.5	—	—	—	—	—	—

Notes: The weighting factor is based on numbers of teachers in the program and recognizes that language instruction classes are one-third normal size. With average class sizes of 27 elementary and 24 secondary, the language instruction classes average nine pupils elementary and eight pupils secondary for each teacher. This is reflected in the "Cash Value for Each Full-Time Equivalent Pupil Enrolled in Language of Instruction Classes".

The weighting factor recognizes situations in excess of basic levels of four teachers per 10,000 elementary pupils; 2 teachers per 10,000 secondary pupils. The basic level is included in the regular per pupil grant ceilings.

Included under the heading "Number of Full-Time Equivalent Teachers—Language of Instruction Classes" are all those teachers in self-contained classes, and resource and itinerant teachers for boards which receive a weighting factor (those within the basic level plus those to which the weighting factor applies); number of consultants and administrators includes all consultants and co-ordinators for boards which receive a weighting factor (those within the basic level plus those to which the weighting factor applies). The cash value for each full-time pupil enrolled in language of instruction classes relates only to that part recognized by the weighting factor.



## HERITAGE LANGUAGES PROGRAM

**246. Mr. Grande:** Will the ministry clarify the situation outlined in my point of privilege on June 7, 1979, regarding the floor provision and the minister's assurance that the floor provision would not apply to the funding of heritage language programs in the Metropolitan Toronto School Board? (a) What was the estimated amount of transfer for the general legislative grant in 1979 to the Metropolitan School Board in accordance with regulations 97/79 tabled February 12, 1979? (b) Assuming heritage language enrollment is the same in September 1979 as it was in September 1978, what will the amount of transfer for 1979 to the Metropolitan Toronto School Board be in accordance with the minister's undertaking yesterday? (c) Assuming an additional 2,000 students are placed into 40 classes of 25 by the Metropolitan Toronto School Board, what will the amount of transfer for 1979 be in accordance with the minister's undertaking yesterday? If the ministry cannot fully answer this question until the regulation is approved, will the ministry, in order to aid school boards in planning for the future of the program, table an interim reply based on the minister's statement, the date we can expect the new regulation and a commitment to provide the information sought in this question at the time the regulation is filed? (Tabled June 8, 1979)

**Hon. Miss Stephenson:** (a) Total general legislative grants in 1979 to the Metropolitan Toronto School Board (Elementary) in accordance with Ontario regulation 108/79 based on 1979 estimates submitted by the board, \$84,643,016.

(b) Based on the same level of heritage language program with the amount recognized for grant for September to December 1979 increased to \$21 per hour of classroom instruction and funded at 100 per cent, total GLG in 1979 would be \$85,010,516.

Additional grant (b)-(a), \$367,500.

(c1) Assuming an additional 1,000 students in 40 classes of 25 pupils receiving 40 hours of classroom instruction from September to December 1979, total GLG for 1979 would be \$85,044,116.

Additional grant (c1)-(b), \$33,600.

(c2) Assuming an additional 2,000 students in 80 classes of 25 pupils receiving 40 hours of classroom instruction from September to December 1979, total GLG for 1979 would be \$85,077,716.

Additional grant (c2)-(b), \$67,200.

**252. Mr. Duksza:** In view of the ministry's recent announced improvement of funding

for heritage language programs, will the ministry indicate if it is considering amendments to the Education Act, as proposed in my private member's bill (Bill 55 of the second Session of the 31st Legislature) which provided: (a) heritage language classes as a right where numbers permitted; (b) the use of heritage languages as a subject of instruction; (c) the use of heritage languages as a language of transition while elementary school children are learning English; (b) the inclusion of heritage language classes in the regular school day? If the ministry is unwilling to proceed on these amendments so essential to a multicultural society, will the ministry fully state its reasons? (Tabled June 8, 1979)

**Hon. Miss Stephenson:** The Ministry of Education is not considering amendments to the Education Act as proposed by Private Member's Bill 55 (second session, 31st Legislature), for the following reasons:

(a) The spirit of this proposal has been met by ministry procedures for implementation of the heritage languages program which comes under the continuing education provisions and is therefore authorized under regulation 704 and not by the Education Act. Classes are initiated and developed as a result of a co-operative decision of parents and elected school board officials, as provided by memo 1976-77: 46.

(b) This is already provided for by the heritage languages program. In the current school year there are, in the province of Ontario, a total of 65,126 students in 2,709 classes, learning 40 different heritage languages as subjects of instruction.

(c) The Education Act (229.(1)(f)(i)) already permits the transitional use of languages other than English or French while students are learning the new language. This provision applies to students at all levels of the school system.

(d) There are three alternatives for providing heritage language classes for elementary school students—namely, after school, on weekends, or by extending the regular school day. This arrangement makes it possible for school boards and parent groups to determine the kind of provision which is best able to meet the needs of specific situations. In view of the fact that there are many different school communities across the province, no useful purpose would be served by limiting the choice or by reducing the number of hours required for the regular school program.

Note: In addition to providing for students at the elementary level, it should be noted that secondary schools are free to offer credit



courses in languages other than English and French for which there are ministry guidelines or by following the experimental course approval route.

#### LEGAL ACTIONS AGAINST BOARDS AND COMMISSIONS

247. Mr. Isaacs: Will the ministry table a list of all legal actions brought against any provincial board or commission during the last three years? Will the ministry categorize these legal actions by their nature (e.g. denial of natural justice)? Will the ministry also include on the list the names of the plaintiff(s) bringing the action, the board or commission involved, the date when the action commenced, the date of any court decisions on each of the cases, and the final decision

arrived at on each action? (Tabled June 8, 1979)

Hon. Mr. McMurtry: The Attorney General has written to Mr. Isaacs requesting clarification of the question.

#### WINTARIO

253. Mr. Grande: Will the Ministry of Culture and Recreation indicate the amount of funds that have accumulated to Wintario since the government announced on November 23, 1978 that it was deferring all new capital applications? Will the ministry provide the information on a monthly basis starting with December 1978? (Tabled June 8, 1979.)

Hon. Mr. Baetz: The answer is as follows:

Month of:	Funds from Ont. Lottery Corporation	Capital Grants	Non-Capital Grants
December, 1978 .....	nil	\$5,252,848.90	\$ 996,307.58
January, 1979 .....	\$4,000,000.00	4,339,184.54	1,355,112.36
February, 1979 .....	4,000,000.00	6,603,520.37	1,080,902.79
March, 1979 .....	9,000,000.00	7,303,524.45	2,148,804.78
April, 1979 .....	3,000,000.00	165,394.95	16,478.00
May, 1979 .....	6,000,000.00	3,614,803.99	1,032,970.80
Total .....	<u>\$26,000,000.00</u>	<u>\$27,279,277.20</u>	<u>\$6,630,576.31</u>

#### VIOLENCE IN SCHOOLS

255. Mr. Bounsall: Will the ministry table the document concerning violence in the schools in North York referred to in the Globe and Mail of June 7, 1979? Will the ministry also table a list of all investigations it has made to study the matter of violence in the schools in Ontario? Will the ministry also provide a list of all action it has taken to prevent violence in Ontario schools? (Tabled June 8, 1979.)

Hon. Miss Stephenson: (a) The document concerning violence in the schools of North York is a North York Board of Education document, and the ministry does not have a copy of it to table.

(b) Investigations by the ministry on the matter of violence in the schools of Ontario:

(i) The ministry, in conjunction with several teacher organizations, has studied the matter of intruders into schools and produced a report entitled, Unauthorized Persons in Schools.

(ii) A ministry representative attended a conference on school security to become aware of the problems and procedures in the USA.

(iii) The ministry consulted with two other provinces in this matter.

(iv) The ministry is reviewing the discussion paper on Trespass to Property issued by the Ministry of the Attorney General.

(c) Actions undertaken by the ministry to date:

(i) Copies of the report noted in (bi) above are being distributed to all schools in Ontario. This report contains a number of ideas and suggestions which will be helpful in re-



viewing school security. (Copy of report attached.)

(ii) Ministry officials have participated as leaders in workshop sessions on the topic at the recent conference of the Ontario Secondary School Headmasters' Council.

Memorandum to: Directors of education  
Principals of schools  
re: Unauthorized persons in schools

The ministry has been aware of the concern expressed by a number of principals regarding the problem of coping with persons who enter upon school property uninvited. A report on this matter has been received, a copy of which is attached to this memorandum.

The ministry is reviewing the recommendations for legislative action contained in the report. The report also contains some guides which may be immediately helpful to you. Clearly, no one action will solve this problem. Rather it is one that will require considerable study and attention by each school community over a period of time.

The ministry, through its regional offices, would be pleased to receive any comments or suggestions for action that you would care to provide.

(Signed) H. K. Fisher,  
Deputy Minister of Education.

May 31, 1979.

#### UNAUTHORIZED PERSONS IN SCHOOLS

Dr. H. K. Fisher  
Deputy Minister of Education  
Dear Sir:

The Committee on Unauthorized Persons in Schools herewith presents its report to you.

The following terms of reference have been addressed by the committee: (a) Legislative protection; (b) The enhancement of co-operation; (c) Public education; (d) Teacher/principal education.

The committee has grappled at length with a topic that is somewhat amorphous in nature, yet very real. Concern has been expressed by directors of education, principals of schools and teachers' federations. Investigations have satisfied us that the problem is one of very real concern to many educators across the province. Each term of reference is addressed below:

##### 1. Legislation

There is a dual problem. The existing legislation is not adequately known to, or understood by, school administrators. Further, the legislation is inadequate to meet present day needs.

The existing legislation and its use have been addressed as a portion of section 4.

It is recommended that either a specific trespass section be placed within the Education Act, 1974, in order to focus attention upon this as a special offence, or a separate bill be enacted. There is precedent for the former in the Motorized Snow Vehicles Act, 1974. However, the majority of the committee prefers the second alternative as being the most effective. The alternatives and the rationale are shown as appendices A1(a), A1(b) and A2 to this report.

##### 2. The Enhancement of Co-operation, or Liaison with Enforcement Officials

Two specific needs have been identified.

The primary need is at the level of school-police co-operation. School officials, possibly through concern for the sanctity of the academic setting, have shown a reluctance to call the police and provide them with the information required to investigate and prosecute an offence. At the same time, the police must be encouraged to arrest trespassers and to lay trespass charges. If strangers are regularly and expeditiously removed from the school, it is expected that other more serious offences would often be avoided.

The matter is best dealt with as a local matter in each jurisdiction and reference has been made to this in the material produced under section 4 of this report.

A secondary need is for a heightened awareness of the problem among officials responsible for the administration of justice.

It is recommended that the Ministry of the Solicitor General draw to the attention of police forces the seriousness of the problem and ask them to extend their full co-operation to school authorities, particularly with respect to the arrest and prosecution of trespassers.

It is also recommended that the Ministry of the Attorney General communicate with the crown attorneys in a similar vein.

##### 3. Public Education

A resource outline on enlisting community support has been prepared and is presented as appendix B. A portion of it has been extracted and used in the guide described in section 4.

It is recommended that the full document be made available to the teachers' federations for use at workshops since this is an area that must be judiciously developed by each local area on a long-term basis.

It is further recommended that this material specifically, and this report in general, be used by the school business and finance branch in conjunction with its work on vandalism to produce a public awareness pam-



phlet for general distribution via the ministry's communications services unit.

#### 4. Guidelines for Schools

This is the area for immediate action. A working guide for administrators has been drafted as appendix C. The objective was to make it a practical resource for immediate use. It is based upon present legislation and practice.

It is recommended that this material be duplicated by the ministry and distributed to all principals. The cost will be nominal as no typesetting, et cetera, is required. It is estimated at \$2,000.

It is recommended that a numbered memorandum accompany the distribution of the material.

This report is respectfully submitted, April 4, 1979.

Ken Hills, Chairman, OSSHC.

Fred Burford, OSSHC.

John Butkovich, OSSTF.

Herb Cooney, OPSMTF.

John Ritchie, Ministry of Solicitor General.

Robert Copeland, QC, Ministry of Attorney General.

Jean McConnell, Ministry of Education.

Robert Hunter, Ministry of Education.

#### APPENDIX A1 (a)

The purpose is to re-enact subsection 1 of section 184 of the Education Act, 1974, and to amend that subsection by adding thereto further subsections to create additional offences and to control the intruder on school property.

At present, section 184(1) creates the offences of wilfully interrupting or disquieting the proceedings of a school or class. It is considered that in some circumstances a trespasser might commit such an offence, but that it is rather more likely that the disturbance is incidental to a trespass rather than the direct result of a wilful action.

It is proposed to create additional offences of:

(a) refusing to leave the school grounds or school building when requested so to do by the principal;

(b) immediately returning to the school grounds or school building having departed upon request; and

(c) misrepresentation of the status as a pupil for the purpose of trespassing.

It is further proposed that a police officer should be given the authority to arrest, without warrant, any person whom he finds committing such an offence or whom he reasonably believes has committed such an offence.

It may be desirable to clarify the relationship of the Petty Trespass Act to the provisions of this section by specifically permitting charges to be laid under either or both acts in respect of the same activity.

#### APPENDIX A1(b)

As an alternative to the amendments proposed to section 184 of the Education Act, 1974, it may be that a new act should be enacted to accomplish those objectives to be achieved in the proposed changes. The major advantages obtained by enacting a separate act would seem to be as follows:

1. The separate act seems to afford a more convenient method to set out the procedural steps that should be available for the guidance of both those persons who have no lawful purpose for being on the school property and the principal and his staff at the schools.

2. The somewhat singular purpose of the legislation might be better highlighted in its own act rather than buried in an act of over 270 sections. It presents a more convenient document for being handed out at schools for the information of the public.

3. The act could be titled as follows: An Act to Control the Entry of Unauthorized Persons to Schools.

#### APPENDIX A2

##### RATIONALE FOR LEGISLATION

There are a number of statutory provisions having a direct or indirect bearing on the problem. These provisions are impressive and afford considerable protection to the property owner, but there is some room for adjustment and improvement with regard to school property. It is recognized that legislation is not "the answer." At the same time, some modest changes to the law will be of assistance in improving the current situation.

The Criminal Code of Canada creates a number of offences in relation to trespassers and persons causing damage to property. Section 41 authorizes the use of force to prevent a trespass, so long as unnecessary force is not used. A trespasser who resists is deemed to have committed an assault without justification or provocation. Section 171 makes it an offence to cause a disturbance in or near a public place or to loiter or make an indecent exhibition in a public place. Section 387 deals with "mischief," which includes the wilful destruction or damage of property or obstruction or interference with the use of property. Section 389 and following deal with arson and other fires. Section 449 permits school employees to arrest with-



out a warrant a person found committing a criminal offence in relation to school property. There are other provisions which are of some interest, but need not be mentioned here.

The Petty Trespass Act is provincial legislation which makes trespassing a summary conviction offence. Trespassers may be arrested by school employees without warrant. The penalty, which is a fine ranging from \$10 to \$100, would appear to be somewhat out-of-date.

The Education Act, 1974, section 184, makes it an offence to cause a disturbance at a school by "wilfully interrupting or disrupting the proceedings of a school or class." The provision is not of great significance, since it does not aim directly at trespassers. The maximum fine is \$100 and there is no power of arrest. Section 230 deals with the duties of a principal of a school. It is the principal's duty to maintain proper order and discipline in the school, to refuse access to undesirable persons (subject to an appeal to the board) and to maintain a visitors book in the school (when so determined by the board).

It would be helpful to extend section 184 of the Education Act, 1974, to deal specifically with the problem of trespass. While the Petty Trespass Act is law of general application, there is precedent for the creation of special trespass provisions to deal with specific problems. Section 22 of the Motorized Snow Vehicles Act, 1974, makes it an offence to trespass on land while operating a motorized snow vehicle unless permission in writing is first obtained. The maximum fine on conviction is \$500. It is believed that the Education Act, 1974, should contain a special provision relating to trespass upon school property, with a maximum fine of \$2,000. Persons who refuse to leave the property or return to the property should be subject to arrest by a police officer or school employee. Where a board has determined that a visitors book should be maintained and there is proper signing to notify visitors of this requirement, non-compliance should be deemed to be a trespass.

Alternatively, a separate act would be more visible and could clearly identify the potential infractions and the penalty provisions. It could be produced in quantity and made easily available to schools for its deterrent value.

#### APPENDIX B

##### RESOURCE OUTLINE

##### Enlisting Community Support

Premise: The community is (or will be) concerned about quality education; an edu-

cative atmosphere; safe classrooms and school facilities; the cost of vandalism.

Concern: To educate and inform, but not to scare, the community; positive versus negative actions.

Aim: To enlist the enlightened help of the community to support the school; support the police; support the municipality.

##### Suggestions

1. Pamphlet: Outlining the law; concept private-public property; concept community use of schools; problems of intruders and vandalism.

2. Home and School Meetings: police — youth bureaus; principals.

3. Community-School Involvement: school advisory councils; recreation department.

4. Meetings With Municipal Government(s): enlisting support for bylaws; liaison with police.

5. Report of Cost of Vandalism: report to local newspapers and non-print media.

6. School Newsletters: informing the community.

#### APPENDIX C

##### A WORKING GUIDE FOR ESTABLISHING AND MAINTAINING A SAFE SCHOOL ENVIRONMENT

This guide is designed to stimulate thinking and to offer ideas to school administrators who are concerned about maintaining the safety and security of the schools.

It is believed that schools should have an image as a "special" place dedicated to learning and further that action can be taken by administrators to enhance this image.

This guide is brief and in developmental form. It includes several suggested record forms that administrators have found helpful. It has been prepared by a small ad hoc committee of educators from the schools and from the Ministry of Education.

These topics should be considered:

1. Citizenship: Develop in both pupils and the community pride in school; collective responsibility.

2. Inter-agency Co-operation: Do you understand the services available? How do you assess the services? What is your share of the responsibility? Do you make it easy or hard for others to fulfill their duties?

3. Community Involvement: Uniqueness of each local school; information exchange mechanisms. What perceptions of the school are developed by those who use your facilities? How does your staff handle inquiries? Have you considered parent volunteers? (See the Education Act, 1974, s. 147(1) p. 3)—Ministry booklet, "Open Doors"; ministry



assistance from designated education officers in each regional office; heritage language programs.

4. The Administrator: Role and duty (the Education Act, 1974, and Ontario regulation 704/78); sound procedures and explicit directions; the taking of initiative and leadership; school board support.

Policies and Procedures Awareness and Attitudes: Developing an accurate data base; communicating the requirements of the law and policies to students and the public; expectations set upon staff, swift reaction to intrusions; exhibit concern.

Bases for Policy Development: Tailored to needs and reviewed regularly; applications of relevant legislation; integration with other agencies; setting a tone in the community; training and development of staff relevant to law enforcement and inter-agency roles.

Just who is responsible in a school? Note the Education Act, 1974, s. 229(1)(e), s. 230(a) and (m), s. 184(1); note Ontario regulation 704/78—Elementary and Secondary Schools and Schools for Trainable Retarded Children—General, s. 12(1), 12(2) (c), (g) and (h), 17(1), 21(c) and 24(1) and 5; see the Petty Trespass Act.

#### PROCEDURES AND PREVENTION TECHNIQUES

1. Accurate assessment of your school's particular needs—what is the problem? What is the potential for problem? Preparation is anticipation with a plan.

2. Communication with staff and students about what is expected: "Did anybody ever tell you?"

3. Regular tour of building and grounds with maintenance personnel.

4. Establish good rapport with neighbours and service agencies.

5. Be aware of your board's policies and have them readily available to more than one person.

6. If necessary, have workshop sessions to discuss such things as: approaching unknown persons; avoiding confrontation; getting a good description; collecting the relevant data.

7. Keep your supervisory personnel informed and aware.

8. Encourage the involvement of students in developing school procedures and assisting in reaching school objectives.

9. Establish a visitors procedure.

10. Post appropriate signs directing visitors.

11. Establish a file of information on: when, who, where; action taken.

12. Know the law—your rights and theirs.

13. Cultivate the image that your school is a receptive place, but also one which is "on the alert" and reacts quickly to those who might disrupt the program.

14. Have the staff visible throughout the building.

15. The regular and friendly visits of police and community service officers should be encouraged.

16. Develop procedures for special areas: e.g., change rooms, resource centre, cafeteria.

17. React positively to community criticism and suggestions.

18. If necessary, provide both staff and students with school identification.

#### THE CRISIS SITUATION AND THE INTRUDER

1. Prevention of Confrontation and Maximum Co-operation: Introduce yourself; be courteous, calm and assured; ask the person to identify himself and state his business; do not touch the person; if possible, have a suitable witness with you; give clear direction to the person and offer assistance; isolate the situation, do not play to an audience—if possible, try to have the person come to the office area.

2. In Process: Let people know where you are going when you leave to intercept the person; have someone who can act as a runner; get a good description of the person; note the time of the incident.

3. Follow-up: Make notes and file immediately after the incident; use a tape recorder for your own account; keep your supervisory personnel informed; continuously monitor your procedures and process.

4. Possible Recourse to Police and Court for Assistance: Before proceeding to lay or request that someone lay charges, consult with the police and legal counsel for your board. Have a good knowledge of what information is required before proceeding and what appropriate action can be expected from those you expect to assist you.



## INCIDENT REPORT

A. Date ..... Family .....

B. School .....

C. Date of Occurrence ..... Time ..... Location .....

D. Use of School:      ☐ Regular      ☐ Extra curricular  
                         ☐ Permit—issued to: .....

## E. Type of Occurrence:

- |  |  |
|--|--|
| <input type="checkbox"/> 1) arson                            | <input type="checkbox"/> (i) common assault        |
| <input type="checkbox"/> 2a) assault on staff) ..... specify | <input type="checkbox"/> (ii) assault, bodily harm |
| <input type="checkbox"/> 2b) assault on student)             | <input type="checkbox"/> (iii) indecent assault    |
|  | <input type="checkbox"/> (iv) verbal abuse         |
| <input type="checkbox"/> 3a) theft under \$200               |  |
| <input type="checkbox"/> 3b) theft over \$200                |  |
| <input type="checkbox"/> 4) robbery                          | <input type="checkbox"/> 11) false fire alarm      |
| <input type="checkbox"/> 5a) threat to staff                 | <input type="checkbox"/> 12) extortion             |
| <input type="checkbox"/> 5b) threat to student               | <input type="checkbox"/> 13) bomb threat           |
| <input type="checkbox"/> 6) violent parent or guardian       | <input type="checkbox"/> 14a) possess drugs        |
| <input type="checkbox"/> 7a) wilful damage                   | <input type="checkbox"/> 14b) influenced by drugs  |
| <input type="checkbox"/> 7b) accidental damage               | <input type="checkbox"/> 14c) traffic in drugs     |
| <input type="checkbox"/> 8) breach Liquor Control Act        | <input type="checkbox"/> 15) cause disturbance     |
| <input type="checkbox"/> 9a) trespass person                 | <input type="checkbox"/> 16) racial incident       |
| <input type="checkbox"/> 9b) trespass vehicle                | <input type="checkbox"/> 17) other occurrence      |
| <input type="checkbox"/> 10) possess weapon                  | (specify) .....                                    |
| (specify) .....  |  |

## F. Summary (what happened)

G. Value of Property or Damage Estimate: .....

H. Offender:    ☐ Student of this School    ☐ Non-Student.....  
Signature



## NANTICOKE CONTRACT

256. **Mr. di Santo:** Would the Ministry of Environment table the full details of the reasons for the rejection under the "technical merit" consideration of Canadian Applied Technology's (Buttonville) bid to supply the air resources branch with a data acquisition and processing system to be used at Nanticoke? (Tabled June 8, 1979.)

**Hon. Mr. Parrott:** See sessional paper 140.

## ACCIDENT BLACK SPOTS

258. **Mr. Philip:** Will the Ministry of Transportation and Communications provide a listing of all improvements to the road environment undertaken as a result of its "black spot" improvement program since the tabling of the report of the select committee on highway safety in September 1977? Will the ministry detail this list by black spot location or number referenced to a map? Will the ministry further indicate the amount of money spent on each improvement and the resulting reductions, if any, in the frequency of accidents? Will the ministry further provide a detailed description of how priorities for the improvement of "black spots" are arrived at? (Tabled June 11, 1979.)

**Hon. Mr. Snow:** The attached list represents the major locations and costs, when available, of "black spot" improvements made on the provincial highway system in the 1977-78 and 1978-79 fiscal years. These improvements were made where road-related problems had been identified by analysis of accidents. Since many of these projects were undertaken as part of major reconstruction work their cost could not be separated and, therefore, have not been identified.

In addition to the listed improvements, many other projects of a smaller nature such as minor channelization, warning signs, traffic signals and pavement markings were carried out. Because of the large number and wide diversity of these projects it is not possible to identify all of them. At this time the reduction in accidents resulting from these improvements cannot be identified.

"Black spots" or collision-prone locations on the provincial highways are identified by analysis of accident rates and accident types. These statistics are then compared with average rates for similar highways and situations. Where a road-related problem is thus identified possible solutions are reviewed and the most effective alternative is implemented.

**BLACK SPOT IMPROVEMENTS**  
**FISCAL YEARS 1977-78, 1978-79**

Hwy.	Location	Type of Work	Approx. Cost (\$000)
Q.E.W.	Martindale Interchange	Interchange improvements	500
Q.E.W.	Hamilton to Niagara Falls	Median barrier	575
2	Wooler Road	Intersection improvements	200
2	East of Cornwall	Signing, resurfacing and guiderail improvements	—
2	Sydenham Rd. (Kingston)	Resurfacing	9
2 & 4	Wonderland Side Rd. (West of London)	Resurfacing of intersection	—
6	At York Rd. (Hamilton/Wentworth Rd. 44)	Intersection improvements	55
7	Hwy. 10 to 1st Line West	Continuous left turn lane	—
7	East of Islington Ave. (Woodbridge)	Resurfacing and signal improvements	—
10	Britannia Rd.	Intersection improvements	—
10	At Snelgrove, Victoria and Peel Rd. 12	Left turn lanes	—



Hwy.	Location	Type of Work	Approx. Cost (\$000)
10	Britannia Rd. to Eglinton Avenue	Illumination	80
11	Guthrie northerly 9.5 mi.	Intersection improvements, median barrier and underpasses	2,300
11	At Hwy. 117 (Bracebridge)	Interchange	—
11	At N. Jct. Hwy. 169 (Gravenhurst)	Signing and illumination	—
11	From 4.9 miles south of Latchford southerly	Grade and alignment improvements	400
11	Swamp River Bridge (East of Fort Frances)	Pavement widening	—
11 & 17	Metawin Bridge (West of Thunder Bay)	Realignment	—
11 & 17	At Hwy. 11 (Nipigon)	Intersection improvements	—
17	Sault Ste. Marie N. Lts. to Hwy. 556	Fully paved shoulders	—
17	Desbarats — Kensington Rd.	Pavement widening	—
17	East of Montreal Rd. Interchange	Signing and operational improvements	—
21	At Hwy. 70 (Springmount)	Alignment improvements and signals	—
27	Village of Bondhead	Grading and signals	—
31	Rideau Road	Intersection improvement	30
35	S. Jct. Hwy. 7 and 35, southerly 0.7 mi.	Grading and intersection	150
40	Plank Rd., Sarnia	Resurfacing of intersection	—
50	Peel Road 15	Left turn lanes	—
58	Thorold Tunnel	Illumination	476
69	Waubaushe to MacTier	Fully paved shoulders	—
85	Waterloo Rd. 17	Signals	—
89	Village of Conn	Grading and alignment improvements	—
90	6.0 mi. west of Hwy. 400	Railway overpass	680
144	Hwy. 101 southerly 26 mi.	Pavement widening	—
144	Near Levack	Advance railway crossing flasher	—
400	Hwy. 26 and 27 (Bayfield St.)	Ramp improvements and signals	—
401	Hwy. 4 westerly 1 mi. westbound lanes only	Resurfacing	—
401	Toronto bypass — various locations	Transverse grooving	300
401	West of Hwy. 38	Transverse grooving	40
401	Lynn Road overpass (West of Brockville)	Superelevation correction	—



## CANADIAN FILM CASTING SERVICES

**259. Mr. Mackenzie:** Will the Minister of Consumer and Commercial Relations undertake an investigation of Canadian Film Casting Services, P.O. Box 561, Station J, Toronto, in order to determine its status as an employment agency and in order to assess the legality of the fee levy it applies to non-union registrants? Will the minister also investigate this company's practice of advising some applicants that they must purchase a \$20 book which describes acting skills in order to be considered as a future job candidate through their service? (Tabled June 11, 1979.)

**Hon. Mr. Drea:** The Minister of Consumer and Commercial Relations is investigating the matters raised by question 259, Order Paper 60.

## RENT REVIEW STAFF

**260. Mr. di Santo:** Will the Minister of Consumer and Commercial Relations table information on: 1. the number of employees employed by the rent review office; 2. how many are on permanent staff; 3. how many are on temporary staff; 4. what is the length of employment for the temporary staff; 5. is it true that the temporary staff is employed through Office Overload; 6. what are the rates of the wages paid to Office Overload as opposed to what the employees receive; 7. does the minister have any plan to change the present situation once Bill 163 is passed? (Tabled June 12, 1979.)

**Hon. Mr. Drea:** In reply to the above question, the following information is submitted as at May 31, 1979:

(1) Total number of employees employed by the rent review division: 156.

(2) Number of permanent staff: 1.

(3) Number on temporary staff: (a) on ministry contracts, 61; (b) employed through Office Overload, 94; (c) Total, 155.

(4) A number of the staff have been with the program since its inception. Others are replacements in key positions where there has been staff turnover.

(5) As indicated in (3)(b), since the inception of the rent review program, the clerical support staff has been employed through Office Overload.

(6) Generally speaking the rates of wages paid to the staff provided by Office Overload are approximately five per cent. below rates for equivalent classified positions. In addition, a service fee has been negotiated between Office Overload and the Ministry of Consumer and Commercial Relations.

(7) The present arrangements will not be continued in respect of staff of the Residen-

tial Tenancy Commission appointed following the passage of Bill 163.

## AIR POLLUTION

**261. Ms. Bryden:** Will the Minister of the Environment provide an inventory of all point sources of emissions of benzo(a)pyrene and naphthalene in Ontario, along with the emission levels involved? What guidelines are used to determine acceptable levels of naphthalene and benzo(a)pyrene emissions in Ontario? (Tabled June 12, 1979)

**Hon. Mr. Parrott:** A complete inventory of point sources of atmospheric emissions of benzo(a)pyrene or naphthalene has not been carried out in Ontario. Partial source inventories and source emission test results are currently being prepared for publication.

**Benzo(a)pyrene (BaP):** BaP is only one of a family of several hundred so-called polycyclic aromatic hydrocarbons (PAH) which have been identified in emissions from all fossil fuel-fired combustion sources. These sources include all residential furnaces in Ontario. The major categories of sources of BaP emissions and their estimated current total BaP emissions in Ontario are:

1. Forest fires: about two to 35 metric tons per year.
2. Metallurgical coke production: about three metric tons per year.
3. Motorcycles (two-cycle engines): about 0.2 metric tons per year.
4. Automobiles and trucks (gasoline): about 0.1 metric tons per year.
5. Heat and power generation: about 0.1 metric tons per year.

The major controllable sources in the list above are coke ovens—Stelco and Dofasco in Hamilton and Algoma Steel in Sault Ste. Marie. Each of these sources is currently under a ministry control program under section 10 of the Environmental Protection Act. Current estimates are that the controls which have been instituted at the coke-oven facilities have reduced emissions of BaP and other polycyclic aromatic hydrocarbons by about 80 per cent compared with the uncontrolled emissions and that the completion of the control programs will achieve about 90 per cent reduction in these emissions.

A major source testing survey for PAH has been under way in Ontario since 1976, which is expected to be completed by the end of 1979. Detailed test reports, from which emissions of PAH can be derived, are available for the following sources, which are selected as typical examples of their industrial category: Stelco (Hamilton), Dofasco (Hamilton), Union Carbide (graphite electrode manufacture, Welland), General Motors (industrial



boiler, Oshawa), SWARU (refuse incinerator, Hamilton), and two drum-mix asphalt plants (Warren Bitulithic and Huron Construction). At the completion of this survey, a summary report interpreting the results will be prepared. This report should be available in mid-1980.

The best current information indicates that the most significant exposure to BaP and other PAH is cigarette smoking.

There are no environmental standards or guidelines in Ontario for BaP specifically at present because of the absence of medical criteria for human effects of ambient air levels of BaP (or any other PAH). Effort is currently being invested in the development of such standards, but at present, the most reasonable basis for controlling PAH emissions is the ambient air standard for airborne particulate matter: 100 ug m<sup>-3</sup> (30-minute average) at a point of impingement.

A comprehensive compilation of information on PAH as environmental contaminants is expected to be published by the Ministry by the end of September 1979.

Naphthalene (commonly encountered as "moth balls"): A recent comprehensive background report on naphthalene and other aromatic hydrocarbons has been distributed by the ministry through the hazardous contaminants program. A detailed inventory of emission sources and estimation of emissions from these sources is being carried out for the ministry by Acres Consulting Services Limited. The report on this study is expected by April 1980. Unlike BaP, naphthalene has not been shown to be carcinogenic or mutagenic, either in laboratory tests or in human exposure experience. To quote the background report mentioned previously, "No substantiated chronic toxic effects (of naphthalene) have been reported as a result of industrial (occupational or environmental) exposure. . ."

One of the major sources of emissions of naphthalene to the atmosphere is expected to be evaporation loss from gasoline, which contains up to one per cent naphthalene. Other sources of naphthalene emissions in Ontario—coke ovens and praphite electrode manufacturing—have undergone source testing recently. Detailed reports from which emissions may be calculated cover the same plants as referred to earlier for PAH. A summary of measured naphthalene emissions will be included in the summary report on PAH to be published in 1980.

#### NITROSAMINES

**262. Ms. Bryden:** Will the Minister of the Environment provide all the information avail-

able to his ministry on the extent and volume of point and non-point source pollution from nitrosamines in Ontario? In what herbicides used in Ontario are nitrosamines present? In what concentrations? What is the amount of each of these herbicides used annually in Ontario? (Tabled June 12, 1979)

**Hon. Mr. Parrott:** Nitrosamines occur naturally in our environment. Nitrosamines are present in soil, water and air. The best known source of direct human exposure to nitrosamines is through fried bacon and tobacco smoke. Nitrosamines can be formed from reaction of nitrites with amines under a variety of conditions. Sufficient data is not available to characterize human exposure to nitrosamines through the environment or to distinguish between the influence of man-made and natural sources.

Nitrosamines are found as trace contaminants in two herbicides that are used in Ontario, namely, Treflan (trifluralin) and Cobex (dinitramine).

At one time, Treflan contained 160 ppm of the dipropylnitrosamine. In 1977, it was reduced to two to four ppm, it now contains less than one ppm. The dipropylnitrosamine found in Treflan (trifluralin) is volatile and readily metabolized by plants. No residues have been found in plants from Treflan (trifluralin) applications. The analysis is sensitive to 10 ppt. Treflan is used in Ontario as a pre-plant soil incorporated treatment. It is applied at rates of 0.5 to 1 pound per acre to soil three or more weeks prior to planting vegetables. It is also used on soil intended for ornamentals (woody nursery stock) and in the prevention of crab grass in lawns.

Cobex (dinitramine) contains up to 80 ppm diethylnitrosamine. It is used in Ontario as a pre-plant soil incorporated herbicide for transplanting cabbage, cauliflower, broccoli, brussels sprouts, soya, snap and lima beans. Cobex is incorporated thoroughly to a depth of two to 2½ inches in the soil at rates of ¼ to ½ pound per acre prior to planting. Cobex is presently under review by Agriculture Canada to evaluate the levels and significance of nitrosamine.

These herbicides are not subject to permit and use records are therefore not available.

This group of compounds have not been researched intensively, primarily because they occur naturally. Herbicides represent a very small contribution to overall levels of nitrosamines. Dr. Phil Kearney, US Department of Agriculture, has studied nitrosamines in pesticides and has concluded that "the contribution to nitrosamine levels from pesticides is so small that it is insignificant."



## SIDEWALK REPLACEMENT

270. Mr. Cunningham: Would the Minister of Government Services table any study indicating the necessity for the reconstruction of the cement sidewalk in front of the Legislative Building and at the same time table the tenders received? (Tabled June 15, 1979)

Hon. Mr. Henderson: The staff of my ministry recently inspected the sidewalk in front of the Legislative Building and determined that approximately 50 per cent of the sidewalk was cracked and there were various raised portions which were potentially dangerous to pedestrian traffic. As a result, it was decided that the sidewalk should be replaced.

Tenders were invited from five construction firms, three of which submitted tenders. The three tenders received were as follows:

H. Faccini Construction, \$10,500; Dufferin Construction, \$13,265; Frank Pellegrino General Contracting, \$19,980.

The contract was awarded to H. Faccini Construction, the lowest bidder.

## MINISTRY HIRING

271. Mr. Eakins: Would the Minister of Industry and Tourism indicate the date at which a Mr. John Laschinger was hired by his ministry and what the terms of his con-

tract were including his responsibilities, salary and concluding date of his contract? Would the minister also indicate when Mr. Laschinger will resume employment with his ministry and what the terms of his contract will be at that time? (Tabled June 15, 1979)

Hon. Mr. Grossman: The ministry hired Mr. John Laschinger on a contractual basis on February 6, 1979. The terms of the contract were to review the programs and operations of the small business division and to make recommendations for improvements of existing services as well as for future areas of initiative. The rate of pay was \$833 per week. His contract terminated on May 25, 1979.

The studies provided data and information which served as a base for a review of the ministry structure and subsequent reorganization in this area.

Civil Service Commission competitions for the positions in the new organization were initiated with advertisements in the Globe and Mail and Topical/Job Mart on April 12 and 13 respectively. Mr. Laschinger applied for and was the successful applicant for the position of Director, Small Business, and he commenced employment as a civil servant with the ministry on June 19, 1979.



## APPENDIX B

ALPHABETICAL LIST OF MEMBERS OF THE  
LEGISLATURE OF ONTARIO

(125 members)

Third Session of the 31st Parliament

Lieutenant Governor: Hon. Pauline M. McGibbon

Speaker: Hon. John E. Stokes

Clerk of the House: Roderick Lewis, QC

Member	Constituency	Party
Ashe, G. ....	Durham West .....	PC
Auld, Hon. J. A. C. ....	Leeds .....	PC
Baetz, Hon. R. C. ....	Ottawa West .....	PC
Belanger, J. A. ....	Prescott and Russell .....	PC
Bennett, Hon. C. ....	Ottawa South .....	PC
Bernier, Hon. L. ....	Kenora .....	PC
Birch, Hon. M. ....	Scarborough East .....	PC
Blundy, P. ....	Sarnia .....	L
Bolan, M. ....	Nipissing .....	L
Bounsall, E. J. ....	Windsor-Sandwich .....	NDP
Bradley, J. ....	St. Catharines .....	L
Breaugh, M. ....	Oshawa .....	NDP
Breithaupt, J. R. ....	Kitchener .....	L
Brunelle, Hon. R. ....	Cochrane North .....	PC
Bryden, M. ....	Beaches-Woodbine .....	NDP
Campbell, M. ....	St. George .....	L
Cassidy, M. ....	Ottawa Centre .....	NDP
Charlton, B. ....	Hamilton Mountain .....	NDP
Conway, S. ....	Renfrew North .....	L
Cooke, D. ....	Windsor-Riverside .....	NDP
Cunningham, E. ....	Wentworth North .....	L
Cureatz, S. ....	Durham East .....	PC
Davidson, M. ....	Cambridge .....	NDP
Davis, Hon. W. G. ....	Brampton .....	PC
Davison, M. N. ....	Hamilton Centre .....	NDP
di Santo, O. ....	Downsview .....	NDP
Drea, Hon. F. ....	Scarborough Centre .....	PC
Dukszta, J. ....	Parkdale .....	NDP
Eakins, J. ....	Victoria-Haliburton .....	L
Eaton, R. G. ....	Middlesex .....	PC
Edighoffer, H. (Deputy Speaker and Chairman) .....	Perth .....	L
Elgie, Hon. R. ....	York East .....	PC
Epp, H. ....	Waterloo North .....	L
Foulds, J. F. ....	Port Arthur .....	NDP
Gaunt, M. ....	Huron-Bruce .....	L
Germa, M. C. ....	Sudbury .....	NDP
Gigantes, E. ....	Carleton East .....	NDP
Grande, A. ....	Oakwood .....	NDP
Gregory, M. E. C. ....	Mississauga East .....	PC
Grossman, Hon. L. ....	St. Andrew-St. Patrick .....	PC
Haggerty, R. ....	Erie .....	L
Hall, R. ....	Lincoln .....	L
Handleman, S. B. ....	Carleton .....	PC



Member	Constituency	Party
Havrot, E. ....	Timiskaming .....	PC
Henderson, Hon. L. C. ....	Lambton .....	PC
Hennessy, M. ....	Fort William .....	PC
Hodgson, W. ....	York North .....	PC
Isaacs, C. ....	Wentworth .....	NDP
Johnson, J. ....	Wellington-Dufferin-Peel .....	PC
Johnston, R. F. ....	Scarborough West .....	NDP
Jones, T. ....	Mississauga North .....	PC
Kennedy, R. D. ....	Mississauga South .....	PC
Kerr, G. A. ....	Burlington South .....	PC
Kerrio, V. ....	Niagara Falls .....	L
Lane, J. ....	Algoma-Manitoulin .....	PC
Laughren, F. ....	Nickel Belt .....	NDP
Lawlor, P. D. ....	Lakeshore .....	NDP
Leluk, N. G. ....	York West .....	PC
Lupusella, A. ....	Dovercourt .....	NDP
MacBeth, J. P. (Deputy Chairman and Acting Speaker) .....	Humber .....	PC
MacDonald, D. C. ....	York South .....	NDP
Mackenzie, R. ....	Hamilton East .....	NDP
Maack, Hon. L. ....	Parry Sound .....	PC
Makarchuk, M. ....	Brantford .....	NDP
Mancini, R. ....	Essex South .....	L
Martel, E. W. ....	Sudbury East .....	NDP
McCaffrey, B. ....	Armourdale .....	PC
McCague, Hon. G. ....	Dufferin-Simcoe .....	PC
McClellan, R. ....	Bellwoods .....	NDP
McEwen, J. E. ....	Frontenac-Addington .....	L
McGuigan, J. ....	Kent-Elgin .....	L
McKessock, R. ....	Grey .....	L
McMurtry, Hon. R. ....	Eglinton .....	PC
McNeil, R. K. ....	Elgin .....	PC
Miller, Hon. F. S. ....	Muskoka .....	PC
Miller, G. I. ....	Haldimand-Norfolk .....	L
Newman, B. ....	Windsor-Walkerville .....	L
Newman, Hon. W. ....	Durham-York .....	PC
Nixon, R. F. ....	Brant-Oxford-Norfolk .....	L
Norton, Hon. K. ....	Kingston and the Islands .....	PC
O'Neil, H. ....	Quinte .....	L
Parrott, Hon. H. C. ....	Oxford .....	PC
Peterson, D. ....	London Centre .....	L
Philip, E. ....	Etobicoke .....	NDP
Pope, A. ....	Cochrane South .....	PC
Ramsay, R. ....	Sault Ste. Marie .....	PC
Reed, J. ....	Halton-Burlington .....	L
Reid, T. P. ....	Rainy River .....	L. LAB.
Renwick, J. A. ....	Riverdale .....	NDP
Riddell, J. ....	Huron-Middlesex .....	L
Rollins, C. T. ....	Hastings-Peterborough .....	PC
Rotenberg, D. ....	Wilson Heights .....	PC
Rowe, R. D. ....	Northumberland .....	PC
Roy, A. J. ....	Ottawa East .....	L
Ruston, R. F. ....	Essex North .....	L



Member	Constituency	Party
Samis, G. ....	Cornwall .....	NDP
Sargent, E. ....	Grey-Bruce .....	L
Scrivener, M. ....	St. David .....	PC
Smith, G. E. ....	Simcoe East .....	PC
Smith, S. ....	Hamilton West .....	L
Snow, Hon. J. W. ....	Oakville .....	PC
Stephenson, Hon. B. M. ....	York Mills .....	PC
Sterling, N. W. ....	Carleton-Grenville .....	PC
Stokes, Hon. J. E. ....	Lake Nipigon .....	NDP
Stong, A. ....	York Centre .....	L
Swart, M. ....	Welland-Thorold .....	NDP
Sweeney, J. ....	Kitchener-Wilmot .....	L
Taylor, G. ....	Simcoe Centre .....	PC
Taylor, J. A. ....	Prince Edward-Lennox .....	PC
Timbrell, Hon. D. R. ....	Don Mills .....	PC
Turner, J. ....	Peterborough .....	PC
Van Horne, R. ....	London North .....	L
Villeneuve, O. F. ....	Stormont-Dundas-Glengarry ....	PC
Walker, Hon. G. ....	London South .....	PC
Warner, D. ....	Scarborough-Ellesmere .....	NDP
Watson, A. N. ....	Chatham-Kent .....	PC
Welch, Hon. R. ....	Brock .....	PC
Wells, Hon. T. L. ....	Scarborough North .....	PC
Wildman, B. ....	Algoma .....	NDP
Williams, J. ....	Oriole .....	PC
Wiseman, Hon. D. J. ....	Lanark .....	PC
Worton, H. ....	Wellington South .....	L
Yakabuski, P. J. ....	Renfrew South .....	PC
Young, F. ....	Yorkview .....	NDP
Ziemba, E. ....	High Park-Swansea .....	NDP



## MEMBERS OF THE EXECUTIVE COUNCIL

Hon. W. G. Davis .....	Premier and President of the Council
Hon. R. Welch .....	Provincial Secretary for Justice and Deputy Premier
Hon. J. A. C. Auld .....	Minister of Natural Resources and Minister of Energy
Hon. R. Brunelle .....	Provincial Secretary for Resources Development
Hon. T. L. Wells .....	Minister of Intergovernmental Affairs
Hon. L. Bernier .....	Minister of Northern Affairs
Hon. J. W. Snow .....	Minister of Transportation and Communications
Hon. M. Birch .....	Provincial Secretary for Social Development
Hon. C. Bennett .....	Minister of Housing
Hon. W. Newman .....	Minister of Agriculture and Food
Hon. F. S. Miller .....	Treasurer of Ontario and Minister of Economics
Hon. D. R. Timbrell .....	Minister of Health
Hon. H. C. Parrott .....	Minister of the Environment
Hon. B. M. Stephenson .....	Minister of Education
Hon. R. McMurtry .....	Attorney General and Solicitor General
Hon. L. C. Henderson .....	Minister of Government Services and Chairman of Cabinet
Hon. K. C. Norton .....	Minister of Community and Social Services
Hon. F. Drea .....	Minister of Consumer and Commercial Relations
Hon. L. Grossman .....	Minister of Industry and Tourism
Hon. G. McCague .....	Chairman of Management Board of Cabinet
Hon. L. Maeck .....	Minister of Revenue
Hon. R. C. Baetz .....	Minister of Culture and Recreation
Hon. D. J. Wiseman .....	Minister without Portfolio
Hon. R. Elgie .....	Minister of Labour
Hon. G. Walker .....	Minister of Correctional Services

## PARLIAMENTARY ASSISTANTS

Ashe, G. (Durham West) .....	Assistant to the Minister of Energy
Eaton, R. G. (Middlesex) .....	Assistant to the Minister of Transportation and Communications
Hodgson, W. (York North) .....	Assistant to the Minister of Housing
Jones, T. (Mississauga North) .....	Assistant to the Provincial Secretary for Social Development
Kennedy, R. D. (Mississauga South) .....	Assistant to the Minister of Education
Lane, J. (Algoma-Manitoulin) .....	Assistant to the Minister of Northern Affairs
McCaffrey, B. (Armourdale) .....	Assistant to the Minister of Culture and Recreation
McNeil, R. K. (Elgin) .....	Assistant to the Minister of Agriculture and Food
Rotenberg, D. (Wilson Heights) .....	Assistant to the Minister of Intergovernmental Affairs
Smith, G. E. (Simcoe East) .....	Assistant to the Minister of Industry and Tourism
Sterling, N. W. (Carleton-Grenville) .....	Assistant to the Attorney General
Turner, J. (Peterborough) .....	Assistant to the Minister of Health
Yakabuski, P. J. (Renfrew South) .....	Assistant to the Minister of Natural Resources



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Laughren, F. (Nickel Belt NDP), MacBeth, J. P. (Humber PC), Reid, T. P. (Rainy River L), Renwick, J. A. (Riverdale NDP), Rotenberg, D. (Wilson Heights PC), Smith, G. E. (Simcoe East PC), Van Horne, R. (London North L), Yakabuski, P. J. (Renfrew South PC); Clerk, Mrs. F. Nokes.

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Drea, Hon. F.; Minister of Consumer and Commercial Relations (Scarborough Centre PC)  
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Havrot, E. (Timiskaming PC)  
Henderson, Hon. L. C.; Minister of Government Services, Chairman of Cabinet (Lambton PC)  
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Newman, B. (Windsor-Walkerville L)  
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)  
Nixon, R. F. (Brant-Oxford-Norfolk L)  
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Parrott, Hon. H. C.; Minister of the Environment (Oxford PC)  
Peterson, D. (London Centre L)  
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Stokes, Hon. J. E.; Speaker (Lake Nipigon NDP)  
Swart, M. (Welland-Thorold NDP)  
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Walker, Hon. G.; Minister of Correctional Services (London South PC)  
Warner, D. (Scarborough-Ellesmere NDP)  
Welch, Hon. R.; Provincial Secretary for Justice; Deputy Premier (Brock PC)  
Wells, Hon. T. L.; Minister of Intergovernmental Affairs (Scarborough North PC)  
McGibbon, Hon. P. M.; Lieutenant Governor











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